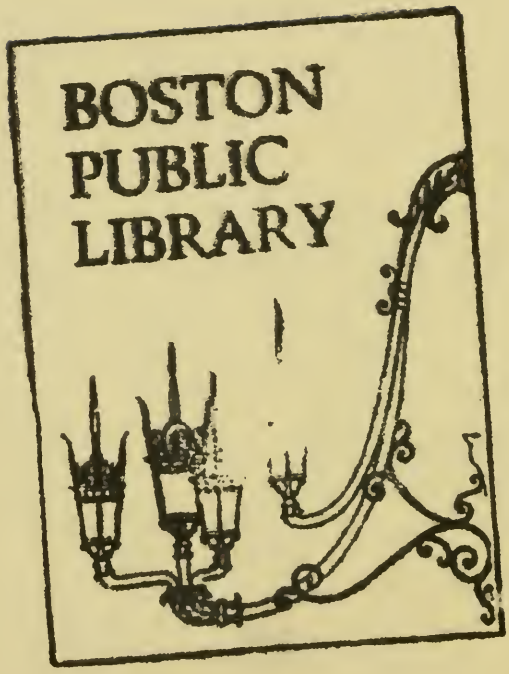
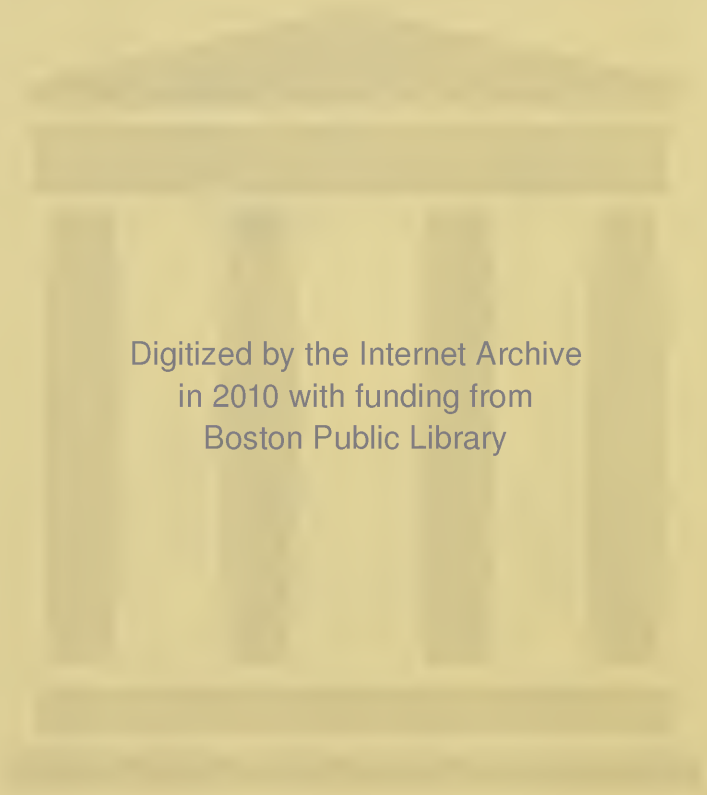
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Chapter 665 of the Acts of 1956

(as amended through April1 , 1963)

AN ACT AUTHORIZING THE CITY OF BOSTON TO LIMIT BUILDINGS ACCORDING TO THEIR USE OR CONSTRUCTION TO SPECIFIED DISTRICTS.

SECTION 1 [*as amended by St. 1958, c. 77, s. 1*]. There shall be in the city planning department of the city of Boston, or in such other department of said city as the city council of said city with the approval of the mayor of said city shall from time to time determine, a board, known as the zoning commission, consisting of eleven zoning commissioners appointed by the mayor, subject to confirmation by the city council, as follows:— one commissioner from two candidates nominated by the Associated Industries of Massachusetts, one commissioner from two candidates nominated by the Boston Central Labor Union, one commissioner from two candidates nominated by the Boston Real Estate Board, one commissioner from two candidates nominated one by The Boston Society of Architects and one by the Boston Society of Landscape Architects, one commissioner from two candidates nominated by the Boston Society of Civil Engineers, one commissioner from two candidates nominated by the Greater Boston Chamber of Commerce, one commissioner from two candidates nominated by the Massachusetts Motor Truck Association, Inc., one commissioner from two candidates nominated by the Master Builders Association of Boston, and three commissioners selected at large by the mayor, of whom one shall own alone or with one or more other persons, and shall occupy in whole or in part as his place of residence, a dwelling house having not more than three dwelling units. All zoning commissioners shall be residents of Boston; provided, that any person who on the acceptance of this act is a member of the board of zoning adjustment of said city may be a zoning commissioner irrespective of his place of residence.

The zoning commissioners initially appointed upon nomination under this section shall serve, in the case of the commissioners appointed upon nomination of the Associated Industries of Massachusetts, the Boston Central Labor Union, and the Boston Real Estate Board, for a term expiring three years, in the case of the commissioners

appointed upon nomination of The Boston Society of Architects or the Boston Society of Landscape Architects, the Boston Society of Civil Engineers, and the Greater Boston Chamber of Commerce, for a term expiring two years, and in the case of the commissioners appointed upon nomination of the Massachusetts Motor Truck Association, Inc., and the Master Builders Association of Boston, for a term expiring one year, from May first, nineteen hundred and fifty-eight. The other zoning commissioners initially appointed under this section shall serve, according to the provisions of their respective appointments, for terms expiring, in the case of one commissioner, three years, in the case of another commissioner, two years, and in the case of the other commissioner, one year, from said May first. As the term of any zoning commissioner initially appointed, or of any subsequent zoning commissioner, expires, his successor shall be appointed in like manner as such commissioner for a term of three years. Any vacancy in the office of a zoning commissioner shall be filled in the same manner for the unexpired term.

The zoning commission shall elect one of its members as chairman and another as vice chairman. The zoning commission shall also elect a secretary, who need not be a member of the commission. The members of the zoning commission shall serve without compensation, but shall be reimbursed for their traveling and other necessary expenses incurred in the performance of their duties.

The zoning commission shall cause to be made a detailed record of all its proceedings, which record shall include the vote of each member participating in its decisions, and the absence of a member or his failure to vote.

The zoning commission shall not be subject to the supervision or control of the officer or board in charge of such department of the city as the commission shall from time to time be in; but unless otherwise ordered by the mayor, the zoning commission shall not make any annual or other report except through such officer or board, and shall not communicate with the mayor except through such officer or the chairman of such board.

Section 2. For the purpose of promoting the health, safety, convenience, morals or welfare of its inhabitants, the city of Boston may, by a zoning regulation adopted by its zoning commission, regulate and restrict the height,

number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, agriculture, residence or other purposes; provided, that use of land for a municipal purpose shall not be permitted in any district in which dwellings are permitted except that where, at the time of the adoption of a zoning regulation or amendment permitting dwellings in a district, a particular parcel of land in such district is used for a particular municipal purpose, use of such land for such purpose may be allowed to continue, and except, further, that use of a particular parcel of land for a municipal purpose in a district where dwellings are permitted may be allowed by special order of the zoning commission adopted after like report, notice and hearing, and in like manner and with like approval as a zoning regulation or amendment if notice of the hearing thereon is also sent by mail, postage prepaid, to the owners of all abutting property and also to the owners of such other property as may be deemed by the zoning commission to be especially affected by such order, as they appear on the then most recent local tax list.

For any or all of such purposes a zoning regulation may divide the city into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this act, and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration or use of buildings and structures, or use of land, and may prohibit noxious trades within the city or any specified part thereof. The regulations and restrictions shall be uniform for each class or kind of buildings, structures or land, and for each class or kind of use, throughout the district, but the regulations and restrictions in one district may differ from those in other districts. Due regard shall be paid to the characteristics of the different parts of the city; and the regulations and restrictions shall be the same for zones, districts or streets having substantially the same character.

A zoning regulation shall be designed among other purposes to lessen congestion in the streets; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population, to facilitate

the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the city; and to preserve and increase its amenities.

SECTION 3 [*as amended by St. 1958, c. 77, s. 2*]. A zoning regulation may be adopted and from time to time be amended by alteration, addition or repeal, but only in the manner hereinafter provided. No zoning regulation originally establishing the boundaries of a district or the regulations and restrictions to be enforced therein, and no such regulation amending the same as aforesaid, shall be adopted until the city planning board of the city of Boston shall have submitted a report with recommendations concerning such regulation or amendment or allowed twenty days to elapse after receipt from the zoning commission of a request for such a report without making such report, nor until after the zoning commission shall have given notice and held a public hearing with respect to such regulation or amendment. Such notice shall be published at least fourteen days prior to such hearing in one or more newspapers of general circulation in the city of Boston, and shall (*a*) refer to this act, (*b*) give the time and place of the public hearing, and (*c*) either state the express terms of the proposed regulation or amendment, or state the general subject thereof and the times when and the place where a copy of the express terms thereof may be obtained. Such notice shall also be sent by mail, postage prepaid, to any person filing written request for notice of hearings, such request to be renewed yearly in December. Such public hearing shall be attended by not less than six of the members of the zoning commission; and if less than six members are present at any public hearing, the members actually present may adjourn the same by proclamation to such time and place as they deem advisable, and further notice thereof shall not be necessary. After such notice and hearing the zoning commission, by the concurrent vote of not less than seven of its members, may adopt or reject the proposed regulation or amendment, or may adopt a regulation or amendment in substantial accord with the proposed regulation or amendment. Votes of the zoning commission adopting a zoning regulation or amendment thereof shall be subject to the same provisions of law in respect to approval

by the mayor as orders or votes of the city council of the city, except that the concurrent vote of not less than nine members of the zoning commission shall be necessary to pass such a regulation or amendment over the veto of the mayor.

Any owner of property may petition the zoning commission to adopt an amendment of a zoning regulation which would affect his property, but shall not be entitled to have his proposed amendment considered by the commission unless he pays the city such sum, if any, as may from time to time be established by the zoning regulation as the estimated average cost to the city of a hearing on a proposed amendment of the zoning regulation.

Section 4. A zoning regulation or any amendment thereof shall apply to any change in the use of a building or structure or of land, and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change, and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration, or for its use for the same purpose to a substantially greater extent; but no zoning regulation nor any amendment thereof shall apply to existing buildings or structures, nor to the existing use of any building or structure, or of land to the extent to which it is used at the time of the adoption of such regulation or amendment, except that any such regulation or amendment may regulate non-use of a non-conforming use so as not to unduly prolong the life thereof.

Section 5. No zoning regulation or amendment thereof shall affect any permit issued or any building or structure lawfully begun before notice of hearing before the zoning commission has first been given; provided, that construction work under such a permit is commenced within six months after its issue, and the work, whether under such permit or otherwise lawfully begun, proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances. The issuance of a permit or the beginning of work upon a building or structure, or a change of use, after such notice has been given, shall not justify the violation of a zoning regulation or an amendment thereof subsequently adopted as the outcome of such

hearing and in substantial accord with such notice; provided, the subsequent steps required for the adoption of such regulation or amendment thereof are taken in their usual sequence without unnecessary or unreasonable delay.

Section 6. A building, structure or land used or to be used by a public service corporation may be exempted from the operation of a zoning regulation or amendment if, upon petition of the corporation, the state department of public utilities shall, after public notice and hearing, decide that the present or proposed situation of the building, structure or land in question is reasonably necessary for the convenience or welfare of the public.

Section 7. The building commissioner of the city shall withhold a permit for the construction or alteration of any building or structure if the building or structure as constructed or altered would be in violation of any zoning regulation or amendment thereof; and state and municipal officers shall refuse any permit or license for a new use of a building, structure or land which use would be in violation of any zoning regulation or amendment thereof.

Section 8. The board of appeal provided for in the Boston building code shall act as a board of appeal under this act; and any board or officer of the city or any person aggrieved by reason of being refused a permit by any administrative official under the provisions of this act or by reason of any order or decision of the building commissioner or other administrative official in violation of any provision of this act or any zoning regulation or amendment thereof adopted under this act may appeal to said board of appeal within forty-five days after such refusal, order or decision by paying to the building commissioner a fee of twenty-five dollars or such other sum as the city council with the approval of the mayor may from time to time prescribe, and filing with the board or officer from whose refusal, order or decision the appeal is taken a notice of appeal specifying the grounds thereof. Such board or officer shall forthwith transmit to said board of appeal such notice of appeal and all documents and papers constituting the record of the case in which the appeal is taken.

Said board of appeal shall fix a reasonable time for the hearing of any appeal and give public notice thereof in a

newspaper of general circulation in the city, and also send notice by mail, postage prepaid, to the appellant and to the owners of all property deemed by said board of appeal to be affected thereby, as they appear on the then most recent local tax list and to any person filing written request for notice of hearings, such request to be renewed yearly in December, and to the city planning board. At the hearing any party whether entitled to notice thereof or not may appear in person or by agent or attorney.

In acting upon such appeal, said board of appeal may, in conformity with the provisions of this act, reverse or affirm in whole or in part, or may modify, any order or decision, and may make such order or decision as ought to be made, and to that end shall have all the powers of the board or officer from whom the appeal is taken and may direct the issue of a permit. The concurring vote of four fifths of all the members of said board of appeal shall be necessary to reverse any order or decision of any administrative official under this act, or to decide in favor of the applicant on any matter upon which it is required to pass under any zoning regulation or amendment thereof, or to effect any variance in, or exception to, the application of any such regulation or amendment.

Said board of appeal shall cause to be made a detailed record of all its proceedings, which record shall set forth the reasons for its decisions, the vote of each member participating therein, and the absence of a member or his failure to vote. Such record, immediately following the board's final decision, shall be filed in the office of the building commissioner of the city and shall be open to public inspection, and notice of such decision shall be mailed forthwith to each party in interest as aforesaid, to the city planning board, and to every person present at the hearing who requests that notice be sent to him and states the address to which such notice is to be sent.

Section 9. Upon an appeal from the refusal of the building commissioner or other administrative official to issue a permit under this act or under a zoning regulation as adopted and amended under this act, said board of appeal may authorize with respect to a particular parcel of land or to an existing building thereon a variance from the terms of such zoning regulation where, owing to conditions especially affecting such parcel or such building, but not

affecting generally the zoning district in which it is located, a literal enforcement of the provisions of such zoning regulation would involve substantial hardship to the appellant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of such zoning regulation, but not otherwise. In authorizing such variance, said board may impose limitations both of time and of user, and a continuation of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time thereafter.

Section 10. A zoning regulation or amendment thereof may provide that exceptions may be allowed to the regulations and restrictions contained therein, which shall be applicable to all of the districts of a particular class and of a character set forth in such zoning regulation or amendment. Such exceptions shall be in harmony with the general purpose and intent of the zoning regulation or amendment, and may be subject to general or specific limitations therein contained. If exceptions are so provided for, said board of appeal may, subject to appropriate conditions and safeguards, allow such an exception upon an appeal from the refusal of the building commissioner or other administrative official to issue a permit under this act or under a zoning regulation or amendment thereof adopted under this act.

Section 11. Any person aggrieved by a decision of said board of appeal, whether or not previously a party to the proceeding, or any municipal board or officer, may appeal to the superior court sitting in equity for the county of Suffolk; provided, that such appeal is filed in said court within fifteen days after such decision is recorded. Every person so appealing shall file a bond with sufficient surety, to be approved by the court, for such a sum as shall be fixed by the court, to indemnify and save harmless the person or persons in whose favor the decision was rendered from all damages and costs which he or they may sustain in case the decision of said board is affirmed. Upon an appeal under this section, the court shall hear all pertinent evidence and determine the facts, and, upon the facts as so determined, annul such decision if found to exceed the authority of such board, or make such other decree as justice and equity may

require. The foregoing remedy shall be exclusive; but the parties shall have all rights of appeal and exception as in other equity cases.

Costs shall not be allowed against said board of appeals unless it shall appear to the court that the board in making the decision appealed from acted with gross negligence, in bad faith or with malice; and costs shall not be allowed against the party appealing from the decision of the board unless it shall appear to the court that said party acted in bad faith or with malice in appealing to the court.

All issues in any proceeding under this section shall have precedence over all other civil actions and proceedings.

SECTION 12. The superior court sitting as aforesaid shall have jurisdiction to enforce the provisions of this act, and any zoning regulation or amendment thereof adopted under this act, and may restrain by injunction violation thereof.

SECTION 13. Chapter four hundred and eighty-eight of the acts of nineteen hundred and twenty-four, as amended, is hereby repealed.

SECTION 14 [*as amended by St. 1957, c. 408*]. Sections one to twelve, inclusive, of this act shall take effect upon the acceptance of this act prior to June first, nineteen hundred and fifty-eight, by vote of the city council of the city of Boston, subject to the provisions of its charter, but not otherwise. Section thirteen of this act shall take effect at the same time as the zoning regulation originally dividing the city of Boston into districts under this act and establishing the regulations and restrictions to be enforced in said districts takes effect; provided, that the zoning regulation originally dividing the city of Boston into districts under this act and establishing the regulations and restrictions to be enforced in said districts shall, after its adoption, be reported by the zoning commission to the general court by filing the same with the clerk of the senate and shall not take effect until twelve months have expired after it is so filed.

[NOTE: Chapter 665 of the Acts of 1956 was accepted by order passed by the City Council on May 19, 1958, and approved by the Mayor on May 22, 1958. The City Planning Board was abolished by Section 12 of Chapter 652 of the Acts of 1960, which transferred its powers and duties to the Boston Redevelopment Authority.]

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION,

August 15, 1962.

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and hearing, does hereby adopt the following zoning regulation:

ZONING REGULATION

ARTICLE 1.

TITLE, PURPOSE AND SCOPE

SECTION 1–1. *Title.* This regulation shall be known and may be cited as the "Boston Zoning Code".

SECTION 1–2. *Purpose.* The purposes of this code are hereby declared to be: to promote the health, safety, convenience, morals and welfare of the inhabitants of the City; to encourage the most appropriate use of land throughout the City; to prevent overcrowding of land; to conserve the value of land and buildings; to lessen congestion in the streets; to avoid undue concentration of population; to provide adequate light and air; to secure safety from fire, panic, and other dangers; to facilitate adequate provision for transportation, water, sewerage, schools, parks and other public requirements; and to preserve and increase the amenities of the City.

SECTION 1–3. *Scope.* In their interpretation and application, the provisions of this code shall not be construed to repeal, abrogate, annul or in any way impair or interfere with the provisions of other regulations, laws or ordinances except Chapter 488 of the Acts of 1924, as amended, which is repealed on the effective date of this code, or with provisions of private restrictions placed upon property by covenant, deed or other private agreement, or with provisions of restrictive covenants running with the land to which the City is a party. Where this code imposes a greater restriction than is imposed or required by any of the aforesaid provisions, the provisions of this code shall prevail.

ARTICLE 2.

DEFINITIONS

SECTION 2–1. *Meaning of Certain Words and Phrases.* As used in this code, the following words and phrases shall have the meanings given in the following clauses, unless a contrary intention clearly appears:

(1) "Accessory building", a structure devoted exclusively to a use accessory to a main use of the lot.

(2) "Accessory use", a use customarily incident to, and on the same lot as, a main use.

(3) "Apartment hotel", a building primarily for persons who have their residence therein, containing four or more apartments which do not have kitchens.

(4) "Block", the lot or lots fronting on the same side of the same street between two streets intersecting such street on such side with no other such intersecting street intervening.

(5) "Board of Appeal", the Board of Appeal in the Building Department of the City.

(6) "Boarding house", any dwelling (other than a hotel, motel or apartment hotel) in which board is provided to five or more persons who are not within the second degree of kinship.

(7) "Building", a structure forming a shelter for persons, animals or property and having a roof, exclusive, however, of such frameworks and tents as are customarily used exclusively for outdoor carnivals, lawn parties, or like activities. Where the context allows, the word "building" shall be construed as though followed by the words "or part thereof".

(8) "Building Commissioner", the Building Commissioner of the City.

(9) "City", the City of Boston.

(10) "Clinic", a place for the medical or similar examination and treatment of persons as outpatients.

(11) "Commission", the Zoning Commission of the City.

(12) "Dwelling", a building or structure used in whole or in part for human habitation.

(13) "Dwelling, detached", a dwelling which is designed to be and is substantially separate from any other structure or structures except accessory buildings.

(14) "Dwelling, multi-family", a building containing three or more dwelling units, but not including a motel.

(15) "Dwelling, semi-detached", a dwelling having a party wall in common with another dwelling but which otherwise is designed to be and is substantially separate from any other structure or structures except accessory buildings.

(16) "Dwelling unit", a room or group of rooms forming a habitable unit for one family with facilities used or intended to be used for living, sleeping, cooking, and eating.

(17) "Erect", to construct or reconstruct or excavate, fill, drain, or conduct physical operations of any kind in preparation for or in pursuance of construction or reconstruction, or to move a building or structure upon a lot.

(18) "Extend", to increase in area or volume.

(19) "Family", one or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit; provided, that a group of five or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

(20) "Floor area ratio", the ratio of gross floor area of a structure to the total area of the lot.

(21) "Floor area, gross", the sum of the areas of the several floors of the structure, as measured by the exterior faces of the walls, including fully enclosed porches and the like as measured by the exterior limits thereof, but excluding (*a*) areas used for accessory garage purposes, (*b*) basement and cellar areas devoted exclusively to uses accessory to the operation of the structure, and (*c*) areas elsewhere in the structure devoted to housing mechanical equipment customarily located in the basement or cellar such as heating and air conditioning equipment, plumbing, electrical equipment, laundry facilities, and storage facilities.

(22) "Grade", in cases where all walls of the principal building are more than five feet from the nearest street line, the mean elevation of the ground adjoining the building on all sides; and in all other cases, the mean elevation of the nearest sidewalk.

(23) "Height of building", the vertical distance of the highest point of the roof, excluding penthouses and

roof structures, above the mean grade of the sidewalk at the line of the street or streets on which the building abuts, or, in the case of a building not abutting on a street, above the mean grade of the ground between the building and whichever of the following is nearer, namely, a line twenty feet from the building or the lot line; but in no event shall the mean grade of such ground be taken to be more than five feet above or below the mean grade of the ground immediately contiguous to the building.

(24) "Hotel", a building containing four or more apartments without kitchens, or containing sleeping accommodations for ten or more persons, primarily the temporary abode of persons who have their residences elsewhere.

(25) "Lodging house", any dwelling (other than a boarding house, hotel, motel or apartment hotel) in which living space, without kitchen facilities, is let to five or more persons who are not within the second degree of kinship.

(26) "Lot", a parcel of land, whether or not platted, in single ownership, and not divided by a street.

(27) "Lot area", the horizontal area of the lot exclusive (*a*) of any area in a street or private way open to public use, and (*b*) of any fresh-water area more than ten feet from the shoreline, and (*c*) of any salt-water area below the mean high-tide line.

(28) "Lot, corner", a lot with boundaries abutting on, and meeting at the intersection of, two streets when the lines of such boundaries form within such lot at such intersection an angle of not more than 135°. In the case of a curved boundary, the tangent to such curved boundary at its point of intersection with another boundary of the lot shall be deemed to be the line of such boundary for the purposes of this definition.

(29) "Lot depth", the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

(30) "Lot line, front", the line separating the lot from the street. The owner of a lot abutting on two or more streets may designate as the front lot line whichever of the two widest streets he chooses.

(31) "Lot line, rear", the line which most nearly qualifies as the line most distant and opposite from the

front lot line; where the lot is irregularly shaped, a line perpendicular to the mean direction of the side lot lines, and at least ten feet in length within the lot.

(32) "Lot width", the horizontal distance between the side lot lines measured perpendicular to the mean direction of the side lot lines.

(33) "Motel", a hotel primarily for transients traveling by automobile, with a parking space on the lot for each lodging unit, and with access to each such unit directly from the outside.

(34) "Nonconforming use", a use of a structure or lot that does not conform to a regulation prescribed by this code for the district in which it is located; provided that such use was lawfully in existence on the effective date of this code or, in the case of a use made nonconforming by an amendment of this code, on the effective date of such amendment.

(35) "Occupied", shall include the words "designed, arranged, or intended to be occupied".

(36) "Parapet line", a horizontal line at the mean height of the wall of the building nearest to, and substantially parallel with, the lot line from which a setback is being measured.

(37) "Public open space", an open space in public ownership devoted or to be devoted to a public use with only minor accessory buildings, if any. No structure that exceeds twenty feet in height or two thousand square feet in gross floor area shall be considered to be a part of such public open space. "Public open space" shall be construed to include a street.

(38) "Restricted, more, and less", a use district is "more restricted" if it is listed earlier in Section 3–1 and "less restricted" if listed later in said section.

(39) "Shall", shall be considered mandatory and not directory.

(40) "Sign", shall mean and include any structure device, letter, word, model, banner, pennant, insignia, trade flag, or representation used as, or which is in the nature of, an advertisement, announcement, or direction.

(41) "Sign, area of".

(a) For a sign, either free-standing or attached, t area shall be considered to include all lettering, wordi and accompanying designs and symbols, together w the background, whether open or enclosed, on which th are displayed, but not including any supporting fran work and bracing which are incidental to the displ itself.

(b) For a sign painted upon or applied to a buildi the area shall be considered to include all lettering, wo ing, and accompanying designs or symbols together w any background of a different color than the natu color of the building.

(c) Where the sign consists of individual letters symbols attached to or painted on a surface, buildi wall or window, the area shall be considered to be th of the smallest rectangle or other shape which encompas all of the letters and symbols.

(42) "Story", that portion of a building includ between the top surface of a floor and the top surface the next floor or roof above, except that a space us exclusively for the housing of mechanical services of t building shall not be considered to be a story if acc to such space may be had only for maintenance of su services.

(43) "Story, first", the lowest story of which six five per cent or more of the height is above the me grade from which the height of the building is measure

(44) "Street", a public way, alley, lane, court, si walk and such parts of public squares and public pla as form travelled parts of highways.

(45) "Street line", the line separating a street fr a lot.

(46) "Structure", a combination of materials sembled at a fixed location to give support or shelt such as a building, bridge, trestle, tower, framewo retaining wall, tank, tunnel, tent, stadium, reviewi stand, platform, bin, fence, sign, flagpole or the li The word "structure" shall be construed, where t context allows, as though followed by the words ' part thereof".

(47) "Trailer park", a parking space for two or more trailers used as dwellings.

(48) "Usable open space", space suitable for recreation, gardens, or household service activities, such as clothes drying. Such space must be at least seventy-five per cent open to the sky, free of automotive traffic, parking, and undue hazard, and readily accessible by all those for whom it is required.

(49) "Use", as a verb, shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, rented or leased to be used".

(50) "Yard, front", an open space extending across the full width of the lot and lying between the front lot line and the nearest building.

(51) "Yard, rear", an open space immediately behind the rearmost main building on the lot and extending across the full width of the lot.

(52) "Yard, side", an open space along the side line of a lot, extending from the front yard line to the rear yard line; in the case of a side yard abutting on a street, extending to the rear lot line.

SECTION 2–2. *Other Words and Phrases.* Words and ırases not defined in Section 2–1 but defined in the Boston uilding Code shall have the meanings given in the Boston uilding Code, unless a contrary intention clearly appears.

SECTION 2–3. *Rules of Construction.* Words importing ıe singular shall include the plural; and words importing e plural shall include the singular.

ARTICLE 3.

ESTABLISHMENT OF ZONING DISTRICTS

SECTION 3–1. *Division of City into Districts.* For the purıses of this code the City is hereby divided into districts as llows: three classes of residential districts: S (single mily), R (general), and H (apartment); two classes of ısiness districts: L (local) and B (general); and three classes industrial districts: M (restricted manufacturing), I eneral) and W (waterfront); each of which is further subvided into subdistricts identified by a number which repreıts maximum allowed floor area ratio, as follows:

(a) *Residential Districts*

S–.3 S–.5	Single Family
R–.5 R–.8	General
H–1 H–2 H–2–65 H–3 H–4 H–5	Apartment

(b) *Business Districts*

L–.5 L–1 L–2	Local
B–1 B–2 B–4 B–8 B–10	General

(c) *Industrial Districts*

M–1 M–2 M–4 M–8	Restricted Manufacturing
I–2	General Industrial
W–2	Waterfront Industrial

The boundaries of these districts are hereby originall established as shown on a series of maps entitled "Zonin Districts of the City of Boston", dated July 6, 1962 on file in the office of the City Clerk, which maps, with al explanatory matter thereon, and all maps which, by amend ment of this code, may be substituted therefor or mad supplemental thereto shall be deemed to be, and are hereb made, a part of this code.

SECTION 3–2. *Interpretation of District Boundaries.* Where a district boundary is indicated on a map constituting part of this code as approximately following, or parallel to, the center line or side line of a street, highway, railroad right-of-way, or water course, such boundary shall be construed as following, or as being parallel to, such center line or side line. Where a district boundary is indicated on such a map as approximately following a lot line, such line shall be construed to be said boundary. If no distance is indicated on such a map for a district boundary running parallel to the center line or side line of a street or highway, such dimension shall be assumed to be one hundred feet from such line or, if as determined by the use of the scale shown on such map it is at least twenty feet more, or twenty feet less, than one hundred feet, it shall be as so scaled.

ARTICLE 4.

APPLICATION OF REGULATIONS

SECTION 4–1. *Conformity of Buildings and Land.* Except as provided in Chapter 665 of the Acts of 1956 as now in force or hereafter amended or in this code, no structure or land shall be used or occupied, and no structure or part thereof shall be erected, reconstructed, extended, or altered except in conformity with the regulations specified in this code for the district in which it is located; provided, however, that nothing in this code shall prevent the strengthening or restoring to a safe condition of any portion of a structure declared unsafe by the Building Commissioner or any other board or officer authorized by law to do so.

SECTION 4–2. *Structure or Use Approved Prior to Effective Date of Code.* Nothing herein contained shall affect any structure or use for which a building or use permit is lawfully issued prior to the effective date of this code; provided, that construction work under such building permit, or occupancy under such use permit, is commenced within six months of the date of such permit and proceeds in good faith continuously so far as is reasonably practical under the circumstances; and provided further that all construction work is completed within two years from the effective date of this code and in accordance with the building permit as in effect on said effective date.

SECTION 4–3. *Building or Use Permit Required.* It sha be unlawful to use, or permit the use of, any land or structu or part thereof hereafter erected, or altered wholly partly, or the yards or other open spaces of which are in an way reduced, until the Building Commissioner shall hav certified on the building permit, or if no building permit needed, shall have issued a use permit specifying, the use t which the land or the structure upon being sufficientl completed to comply with the provisions and regulation relating thereto, may be put.

ARTICLE 5.

ADMINISTRATION AND PROCEDURE

SECTION 5–1. *Enforcement.* It shall be the duty of th Building Commissioner to enforce the provisions of thi code.

SECTION 5–2. *Procedure for Appeal.* Every appeal to th Board of Appeal shall be in writing and on a form prescribe by said Board. Every such appeal shall refer to the specifi provision of this code involved, and shall exactly set forth the interpretation that is claimed, the conditional use fo which permission is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

A copy of every decision of the Board of Appeal on a matter on which the Boston Redevelopment Authority has filed a report shall be transmitted by said Board to said Authority.

SECTION 5–3. *Limitation on Appeal.* If an appeal for an interpretation, conditional use, or variance is decided by the Board of Appeal adversely to the appellant, no appeal for the same interpretation, conditional use, or variance shall be considered on its merits by said Board within one year after such adverse decision, except with the concurring vote of not less than four-fifths of the members of said Board.

SECTION 5–4. *Estimated Cost of a Hearing on a Proposed Amendment.* The estimated average cost to the City of a hearing on a proposed amendment of this code is hereby established as fifty dollars.

ARTICLE 6.

CONDITIONAL USES

SECTION 6–1. *Permit for Conditional Uses.* As provided for in Section 10 of Chapter 665 of the Acts of 1956, as now in force or hereafter amended, and in Sections 8–3 of this code, and subject to the provisions of Sections 6–2, 6–3 and 6–4, the Board of Appeal may, in a specific case after public notice and hearing, grant permission for a use specified in Table A of Section 8–7 as a conditional use; provided, however, that such permission shall lapse and become null and void unless such conditional use is commenced within two years after the record of said Board's proceedings pertaining thereto is filed in the office of the Building Commissioner pursuant to Section 8 of said Chapter 665.

SECTION 6–2. *Procedure for Appeal.* Each appeal for a conditional use shall be filed in quadruplicate with the Building Commissioner, who shall retain one copy for his files and transmit the other copies as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and the other to the Zoning Commission. The Boston Redevelopment Authority shall, within twenty days after the date of such transmittal, file with the Board of Appeal a report, together with material, maps or plans to aid the Board of Appeal in judging the appeal and determining special conditions and safeguards. The Board of Appeal shall not render any decision on an appeal for a conditional use until such report has been received and considered, provided that if no such report is received within said twenty days, the Board of Appeal may render its decision without such report.

SECTION 6–3. *Conditions Required for Approval.* The Board of Appeal shall grant any such appeal only if it finds that all the following conditions are met:

(*a*) the specific site is an appropriate location for such use or, in the case of a substitute nonconforming use under Section 9–2, such substitute nonconforming use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted;

(*b*) the use will not adversely affect the neighborhood;

(*c*) there will be no serious hazard to vehicles or pedestrians from the use;

(*d*) no nuisance will be created by the use; and

(*e*) adequate and appropriate facilities will be provided for the proper operation of the use.

SECTION 6–4. *Other Conditions Necessary as Protection.* In approving a conditional use, the Board of Appeal may attach such conditions and safeguards as it deems necessary to assure harmony with the general purposes and intent of this code, such as, but not limited to, the following:

(*a*) requirement of front, side, and rear yards greater than the minimum required by this code;

(*b*) requirement of screening of parking areas and other parts of the lot from adjoining lots or from the street, by walls, fences, planting, or other devices;

(*c*) modification of the exterior features or appearance of the structure;

(*d*) limitation of size, number of occupants, method and time of operation, and extent of facilities;

(*e*) regulation of number, design, and location of access drives and other traffic features; and

(*f*) requirement of off-street parking and other special features beyond the minimum required by this or other applicable codes or regulations.

ARTICLE 7.

VARIANCES

SECTION 7–1. *Authorization for Variance.* As provided for in Section 9 of Chapter 665 of the Acts of 1956, as now in force or hereafter amended, and subject to the provisions of Sections 7–2, 7–3 and 7–4, the Board of Appeal may, in a specific case after public notice and hearing, grant a variance from the terms of this code; provided, however, that such grant shall lapse and become null and void unless such variance is used within two years after the record of said Board's proceedings pertaining thereto is filed in the office of the Building Commissioner pursuant to Section 8 of said Chapter 665.

SECTION 7–2. *Procedure for Appeal.* Each appeal for a variance shall be filed in quadruplicate with the Building Commissioner, who shall retain one copy for his files and transmit the other copies as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and the other to the Zoning Commission.

In each of the following cases, the Boston Redevelopment Authority shall, within twenty days after the date of such transmittal, file with the Board of Appeal a report, together with material, maps or plans to aid the Board of Appeal in judging the appeal and determining special limitations and safeguards:

(a) an appeal for the erection or alteration of a building to a height greater than that authorized by this code;

(b) an appeal for a nonconforming use of land with an area of more than 20,000 square feet;

(c) an appeal for a nonconforming use of an existing building or buildings with a gross floor area in excess of 2,000 square feet or a floor area ratio more than fifty percent greater than that permitted in the district in which it or they are located; and

(d) an appeal for a commercial or industrial use in a residential district, on a parcel of land not previously used for a commercial or industrial purpose.

In any other case, the Boston Redevelopment Authority may, within twenty days after the date of such transmittal, file with the Board of Appeal such a report in connection with the appeal for a variance therein.

The Board of Appeal shall not render any decision on an appeal for a variance until such report has been received and considered, provided that if no such report is received within said twenty days, the Board of Appeal may render its decision without such report.

Section 7–3. *Conditions Required for Variance.* The Board of Appeal shall grant a variance only if it finds that all of the following conditions are met:

(a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness, or shape of the lot, or exceptional topographical conditions thereof) which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this code would deprive the appellant of the reasonable use of such land or structure; and

(*b*) That, for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and

(c) That the granting of the variance will be in harmony with the general purpose and intent of this code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In determining its findings, the Board of Appeal shall take into account: (1) the number of persons residing or working upon such land or in such structure; (2) the character and use of adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood.

SECTION 7–4. *Other Conditions Necessary as Protection.* In approving a variance, the Board of Appeal may attach such conditions and safeguards as it deems necessary to assure harmony with the general purposes and intent of this code, such as, but not limited to, the following:

(a) requirement of front, side, and rear yards greater than the minimum required by this code;

(b) requirement of screening of parking areas and other parts of the lot from adjoining lots or from the street, by walls, fences, planting, or other devices;

(c) modification of the exterior features or appearance of the structure;

(d) limitation of size, number of occupants, method and time of operation, and extent of facilities;

(e) regulation of number, design, and location of access drives and other traffic features; and

(f) requirement of off-street parking and other special features beyond the minimum required by this or other applicable codes or regulations.

ARTICLE 8.

REGULATION OF USES

SECTION 8–1. *Uses Regulated by Districts.* In each district the use of land and structures is hereby regulated as provided in the following sections.

Section 8–2. *Allowed Uses.* No land or structure in any district shall be erected, used, or arranged or designed to be used, in whole or in part, for any use except under the provisions of Section 8–3 and Article 6, unless such use is specified in the use item column of Table A of Section 8–7, and the letter "A" is set against such use in the column headed by the designation of such district. Any use so marked shall be allowed as a matter of right, subject only to the requirements set forth in the use item column.

Section 8–3. *Conditional Uses.* No land or structure in any district shall be erected, used, or arranged or designed to be used, in whole or in part, for any use under the provisions of Article 6 unless such use is specified in the use item column of Table A of Section 8–7, and the letter "C" is set against such use in the column headed by the designation of such district. The granting of a permit for any use so marked may be authorized conditionally by the Board of Appeal acting under the provisions of Article 6, subject to the requirements set forth in the use item column.

Section 8–4. *Forbidden Uses.* No land or structure in any district shall be erected, used, or arranged or designed to be used, in whole or in part, for any use specified in the use item column of Table A of Section 8–7 if the letter "F" is set against such use in the column headed by the designation of such district, except for such nonconforming uses as may be allowed to be continued under the provisions of Article 9.

Section 8–5. *Uses Subject to Other Regulations.* Allowed and conditional uses shall be subject, in addition to use regulations, to such regulations of height, area, yard, set-back, lot size and area, lot width, and building bulk, to such provisions for off-street parking and loading, and to such other provisions as are specified in other sections of this code.

Section 8–6. *Pre-Existing Conditional Uses.* Any use existing on the effective date of this code which this code classifies as a conditional use in the district in which the land occupied by the use is located, and also any use existing on the effective date of any amendment of this code which such amendment so classifies, shall be deemed to have been authorized as a conditional use subject to maintaining the character and extent of operations and structures existing

on the effective date of this code or of such amendment, as the case may be. Any application for change in use or structure shall be subject to the provisions of Article 6.

SECTION 8–7. *Use Regulations.* No land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, except in conformity with the following table:

TABLE A: USE REGULATIONS

Key: S = Single R = General H = Apartment L = Local B = General M = Restricted I = General W = Waterfront A = Allowed C = Conditional F = Forbidden

NO.	USE ITEM	District							
		S	R	H	L	B	M	I	W
	Single Family Dwellings								
1.	Detached dwelling occupied by not more than one family	A	A	A	A	A	F	F	F
2.	Semi-detached dwelling occupied by not more than one family on each side of a party wall	F	A	A	A	A	F	F	F
3.	Attached or row house occupied by not more than one family in each structure between fire walls	F	A	A	A	A	F	F	F
	Two-Family Dwellings								
4.	Detached dwelling occupied by not more than two families	F	A	A	A	A	F	F	F
5.	Semi-detached dwelling occupied by not more than two families on each side of a party wall	F	A	A	A	A	F	F	F
6.	Attached or row house occupied by not more than two families in each structure between fire walls	F	A	A	A	A	F	F	F
	Multi-Family Dwellings								
7.	Building or group of buildings for occupancy by three or more families in separate dwelling units including apartment hotel without accessory uses specified in Use Item No. 78	F	#	A	A	A	C	F	C

F in R–.5, A in R–.8

NO.	USE ITEM	District S	R	H	L	B	M	I	W
	Conversion of Dwelling Structures								
8.	Any dwelling converted for more families	F	A* C†	A* C†	A* C†	A* C†	F	F	F
	* Where structure after conversion will conform to this code.								
	† Provided that after conversion the lot area per dwelling unit, the open space, and the off-street parking each meet not less than one half the requirements of this code and that after conversion any nonconformity as to floor area ratio, open space and yard dimension is no greater than prior to conversion.								
	Temporary Dwellings								
9.	Temporary dwelling structure	C	C	C	C	C	C	C	C
	Lodging Houses, Dormitories, Hotels, etc.								
10.	Lodging or boarding house	F	C	A	A	A	F	F	F
11.	Dormitory on the same lot as, and accessory to, a use specified in Use Item No. 16 on a lot of three acres or more	C	C	A	A	A	F	F	F
12.	Dormitory on the same lot as, and accessory to, a use specified in Use Item No. 16 on a lot of less than three acres	C	C	C	C	A	F	F	F
13.	Dormitory not upon the same lot as, but accessory to, a use specified in Use Item No. 16	C	C	C	C	A	F	F	F
14.	Fraternity or sorority house	F	C	C	C	A	F	F	F
15.	Hotel; motel; apartment hotel	F	F	C	#	A	F	F	F
	# F in L–.5 and L–1; A in L–2								

NO.	USE ITEM	District S	R	H	L	B	M	I	W
	Educational Institutions								
16.	Elementary or secondary school, attendance at which satisfies the requirements of the compulsory education laws of the Commonwealth of Massachusetts; college or university granting degrees by authority of the Commonwealth of Massachusetts...	A*	A*	A*	A*	A†	C	C	F
	* Provided that no play space or parking area is nearer any lot line than the front yard depth required by this code for the lot, and that the requirements of St. 1956, c. 665, s. 2, where apt, are met.								
	† Subject to St. 1956, c. 665, s.2.								
17.	Day nursery; nursery school; kindergarten.....	C	C	C	A	A	C	C	F
18.	Trade, professional or other school..	F	F	C	A	A	A	A	C
19.	Machine shop or other noisy activity accessory to a school, college or university.....	C*	C*	C*	C*	C*	A	A	C
	* Provided that it is located at least one hundred feet from all lot lines and in the opinion of the Board of Appeal is adequately sound-insulated to protect the neighborhood from unnecessary noise.								
	Other Institutional Uses								
20.	Library or museum, not conducted for profit and either open to the public or accessory to a use listed under Use Item No. 16 whether or not on the same lot.....	A	A	A	A	A	A	A	C
21.	Place of worship.....	A	A	A	A	A	A	A	A
22.	Hospital; sanitorium; convalescent, nursing or rest home; home for the aged; orphanage; or similar institution not for correctional purposes; clinic or professional offices accessory to any use listed under this item, whether or not on the same lot.	F	F	A	A*	A*	F	F	F
	* Provided that custodial care is not provided for drug addicts, alcoholics or mentally ill or mentally deficient persons.								

NO.	USE ITEM	District S	R	H	L	B	M	I	W
3.	Any use listed under Use Item No. 22 providing custodial care for drug addicts, alcoholics or mentally ill or mentally deficient persons.....	F	F	F	F	C	C	C	F
4.	Scientific research and teaching laboratories not conducted for profit and accessory to a use listed under Use Item No. 16, 22 or 23, whether or not on the same lot.....	F	F	A*	A*	A*	A*	A*	C*
	* Provided that all resulting cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke and vapor are effectively confined to the lot or so disposed of as not to be a nuisance or hazard to health or safety; and provided also that no noise or vibration is perceptible without instruments more than fifty feet from the lot or any part of the lot.								
5.	Penal or correctional institution; detention home.....	F	F	F	F	C	C	C	F
6.	a. Extension of a cemetery existing on the effective date of this code..	A	A	A	A	A	A	A	F
	b. Mortuary chapel in a cemetery...	A*	A*	A*	A*	A*	A*	A*	F
	* Provided that such chapel is located more than one hundred and fifty feet from every lot line of the cemetery that abuts land in a S, R or H district that is not part of a cemetery.								
	c. Crematory in a cemetery.....	A*	A*	A*	A*	A*	A*	A*	F
	* Provided that such crematory is located more than three hundred feet from every lot line of the cemetery that abuts land in a S, R or H district that is not part of a cemetery.								
	d. Columbarium in a cemetery.....	A	A	A	A	A	A	A	F

NO.	USE ITEM	District S	R	H	L	B	M	I	W
	Recreational Uses								
27.	Public park or playground; public recreation building.....	A*	A*	A*	A*	A*	C	C	C
	* Subject to St. 1956, c. 665, s. 2.								
28.	Private grounds for games and sports not conducted for profit.....	A*	A*	A*	A	A	C	C	C
	* Provided (1) that no parking area or active outdoor recreation area is nearer any lot line than the front yard depth required by this code for the lot, and (2) that, unless after public notice and hearing and subject to the provisions of Sections 6–2, 6–3 and 6–4, the Board of Appeal grants permission therefor, there are no accommodations for spectators nor outdoor floodlights nor any indoor or outdoor activity which is in itself noisy.								
29.	Adult education center building; community center building; settlement house; parish house.....	A*	A*	A*	A	A	C	C	C
	* Provided (1) that no parking area or active outdoor recreation area is nearer any lot line than the front yard depth required by this code for the lot, and (2) that, unless after public notice and hearing and subject to the provisions of Sections 6–2, 6–3 and 6–4, the Board of Appeal grants permission therefor, there are no accommodations for spectators nor outdoor floodlights nor any indoor or outdoor activity which is in itself noisy.								
30.	Private club (including quarters of fraternal organizations) operated for members only.....	F	C*	A*	A	A	C	C	C
	* Provided (1) that no parking area or active outdoor recreation								

NO.	USE ITEM	District S	R	H	L	B	M	I	W
	area is nearer any lot line than the front yard depth required by this code for the lot, and (2) that, unless after public notice and hearing and subject to the provisions of Sections 6–2, 6–3 and 6–4, the Board of Appeal grants permission therefor, there are no accommodations for spectators nor outdoor floodlights nor any indoor or outdoor activity which is in itself noisy.								
	Public Service Uses								
31.	Public service pumping station; public service sub-station; automatic telephone exchange.....	C*	C*	C*	A†	A†	A	A	A
	* Provided that the structure is essential to service in the residential area in which it is located, that no business office nor any storage building or yard is maintained in connection with it, and that the requirements of St. 1956, c. 665, s. 2, where apt, are met.								
	† Subject to St. 1956, c. 665, s.2.								
32.	Telephone exchange (other than automatic).....	F	F	F	A*	A	A	A	C
	* Provided that it is essential to service in the area in which it is located.								
33.	Fire station; police station.....	A*	A*	A*	A*	A*	A	A	C
	* Subject to St. 1956, c. 665, s.2.								
	Retail Business								
34.	Store primarily serving the local retail business needs of the residents of the neighborhood, including, but not limited to, store retailing one or more of following: food, baked goods, groceries, packaged alcoholic beverages, drugs, tobacco products, clothing, dry goods, books, flowers, paint, hardware and minor household appliances.....	F	F	F	A	A	A	A	C

NO.	USE ITEM	District S	R	H	L	B	M	I	W
35.	Department store, furniture store, general merchandise mart, or other store serving the general retail business needs of a major part of the city, including accessory storage.....	F	F	F	C	A	A	A	C
36.	Sale of automobiles and trucks where operation is carried on within a structure.....	F	F	F	F	A	A	A	C
	Eating Places and Entertainment								
37.	Lunch room, restaurant, cafeteria, or place for the sale and consumption of of beverages, ice cream and the like, primarily in enclosed structure.....	F	F	F	A*	A*	A*	A*	C*
	* Provided that there is no dancing nor entertainment other than phonograph, radio and television; and that neither food nor drink is served to persons while seated in motor vehicles.								
38.	Place for sale and consumption of food and beverages (other than drive-in restaurant) providing dancing or entertainment or both; theatre (including motion picture theatre, but not drive-in theatre); concert hall; dance hall; skating rink; bowling alley; pool room; billiard parlor; other social, recreational or sports center conducted for profit.....	F	F	F	F	A*	A	A	C
	* Provided that in the opinion of the Board of Appeal, any structure housing the use is sufficiently sound-insulated to confine all noise to the lot.								
	Office Uses								
39.	Office of accountant, architect, attorney, dentist, physician or other professional person, or clinic, not accessory to a main use.....	F	F	C*	A	A	A	A	C
	* Provided that if in a H–1, H–2 or H–3 district, it is within two hundred feet of a H–4, H–5, L, B, M, I or W district.								

NO.	USE ITEM	District S	R	H	L	B	M	I	W
40.	Real estate, insurance or other agency office	F	F	F	A	A	A	A	C
41.	Office building, post office, bank, or similar establishment	F	F	F	A	A	A	A	C
42.	Office or display or sales space of a wholesale, jobbing or distributing house	F	F	F	F	A*	A	A	C
	* Provided that not more than twenty-five per cent of gross floor area is used for assembling, packaging and storing merchandise unless after public notice and hearing and subject to the provisions of Sections 6–2, 6–3 and 6–4, the Board of Appeal grants permission for a greater percentage to be so used.								
	Service Establishments								
43.	Barber shop; beauty shop; shoe repair shop; self-service laundry; pick-up and delivery station of laundry or dry-cleaner; or similar establishment	F	F	F	A	A	A	A	C
44.	Tailor shop; hand laundry; dry-cleaning shop	F	F	F	A*	A*	A	A	C
	* Provided that only nonflammable solvents are used for cleaning; and in L districts, provided also that not more than five persons at a time work in the establishment.								
45.	Steam laundry; dry cleaning establishment; rug cleaning establishment.	F	F	F	F	F	A	A	C
46.	Caterer's establishment; photographer's studio; printing plant; taxidermist's shop	F	F	F	A*	A	A	A	C
	* Provided that not more than five persons at a time work in such establishment, studio, plant or shop.								
47.	Funeral home; undertaker's establishment; mortuary	F	F	F	C	A	A	A	C

NO.	USE ITEM	District S	R	H	L	B	M	I	W
48.	Research laboratory; radio or television studio	F	F	F	A	A	A	A	C
49.	Animal hospital or clinic; kennel; pound	F	F	F	F	A	A	A	C
	Open Air and Drive-In Uses								
50.	Drive-in restaurant; outdoor sale or display for sale of garden supplies, agricultural produce, flowers and the like	F	F	F	C	C	A	A	C
51.	Outdoor sale or display for sale of new or used motor vehicles; outdoor rental agency for motor vehicles, trailers and bicycles	F	F	F	F	C	A	A	C
52.	Drive-in theatre; stadium, or other outdoor place of assembly, operated for profit; golf driving range; other outdoor place of recreation operated for profit	F	F	F	F	C	A	A	C
53.	Trailer park	F	F	F	F	C	A	A	C
	Wholesale Business and Storage								
54.	Wholesale business, including accessory storage (other than of flammable liquids, gases and explosives) in roofed structures	F	F	F	F	C	A	A	A
55.	Outdoor storage of: new building materials, contractor's equipment, machinery, metals (other than scrap and junk), and the like	F	F	F	F	F	A*	A	A
	* Provided that any material or equipment stored to a height greater than four feet above grade level is surrounded by a wall or tight fence not less than seven feet high.								
56.	Warehouse; storage, outdoors or in silos or hoppers, of coal, coke or other solid fuel or of crushed stone, sand or similar material; storage of fifteen thousand gallons or less of flammable liquids or of ten thousand cubic feet or less of gases	F	F	F	F	F	A*	A*	A*

NO.	USE ITEM	District S	R	H	L	B	M	I	W
	* Provided that all dust and dirt incident to storage or handling is effectively confined to the lot; and in M districts, provided also that any material stored to a height greater than four feet above grade level is surrounded by a wall or tight fence not less than seven feet high.								
57.	Outdoor storage of second-hand lumber or other used building material, junk, scrap, paper, rags, unrepaired or uncleaned containers, or other salvage articles; storage of more than fifteen thousand gallons of flammable liquids and of more than ten thousand cubic feet of gases; wrecking and dismantling of motor vehicles	F	F	F	F	F	F	C*	C*
	* Provided the use is screened by a wall or tight fence not less than seven feet high.								
	Vehicular Storage and Service								
58.	Parking lot	C*	C*	C†	C	A	A	A	C
	* Provided that the parking lot abuts or is across the street from a L, B, M, I or W district and is operated by an establishment in such district exclusively for the parking of motor vehicles (other than trucks) of, and without charge to, its employees, customers and guests, that no vehicle is parked in the front yard required by this code or within a distance equal to the side yard so required from any side or rear lot line adjoining a lot in a S, R or H district, that all lighting is so arranged as to shine downward and away from streets and adjoining lots, and that the parking lot is adequately screened from all streets and adjoining lots.								
	† Provided that the parking lot *either* is operated exclusively for the parking of motor vehicles								

NO.	USE ITEM	District S	R	H	L	B	M	I	W
	(other than trucks) of persons living in the neighborhood, *or* abuts or is across the street from a L, B, M, I or W district and is operated by an establishment in such district exclusively for the parking of motor vehicles (other than trucks) of, and without charge to, its employees, customers and guests; and provided further, in either case, that no vehicle is parked in the front yard required by this code or within a distance equal to the side yard so required from any side or rear lot line adjoining a lot in a S, R or H district, that all lighting is so arranged as to shine downward and away from streets and adjoining lots andt hat the parking lot is adequately screened from all streets and adjoining lots.								
59.	Parking garage.....	F	F	C*	C	A	A	A	C
	* Provided that the parking garage is operated exclusively for the parking of motor vehicles (other than trucks) of persons living in the neighborhood, except that gasoline and oil may be sold if sales thereof are limited to tenants of the garage and are completely consummated entirely within the garage.								
60.	Repair garage; gasoline service station.....	F	F	F	C*	C*	A	A	C
	* Provided that all washing, painting, lubricating, and making of repairs is carried on inside a building and that any auto body shop, repair shop and paint shop is sufficiently sound-insulated to confine all noise to the lot and that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot.								

NO.	USE ITEM	District S	R	H	L	B	M	I	W
61.	Rental agency, conducted entirely within a building, for motor vehicles, trailers and bicycles	F	F	F	F	A	A	A	C
	Transportation Uses								
62.	Bus terminal; bus station	F	F	F	A	A	A	A	C
63.	Railroad passenger station	F	F	F	A	A	A	A	C
64.	Motor freight terminal; yard for storing or servicing trucks or buses; rail freight terminal; storage yard accessory to railroad operation	F	F	F	F	F	C*	A*	C*
	* Provided that the terminal or yard is at least one hundred and fifty feet from every S, R and H district; and provided further, that the roadway of every street upon which a truck entrance or exit thereof abuts is at least forty feet wide and that every loading platform facing such an entrance or exit is at least eighty feet from the centerline of the street and at least fifty feet from the nearest sideline of the street.								
65.	Water freight terminal facility, including docks, piers, wharves, storage sheds for water-borne commodities, and rail and truck facilities accessory to a water-borne freight terminal	F	F	F	F	F	C*	A*	A*
	* Provided that the facility is at least one hundred and fifty feet from every S, R and H district; and provided further, that the roadway of every street upon which a truck entrance or exit thereof abuts is at least forty feet wide and that every loading platform facing such an entrance or exit is at least eighty feet from the centerline of the street and at least fifty feet from the nearest sideline of the street.								

NO.	USE ITEM	District S	R	H	L	B	M	I	W
66.	Helicopter landing facility.....	F	F	F	F	C	C	C	C
67.	Airport or other aircraft landing or servicing facility.....	F	F	F	F	F	F	C	C
	Industrial Uses								
68.	Any of the following uses: # F in B-1, B-2, B-4; C in B-8, B-10. ‡ A if waterfront access required for receipt or dispatch of goods or for any other reason; otherwise C.	F	F	F	F	#	A	A	‡
	Any industrial use, other than a use described in Use Item No. 70, which does not result in noise or vibration perceptible without instruments more than fifty feet outside the perimeter of the lot.								
	Bottling works for beverages.								
	Cotton ginning.								
	Manufacture or repair of								
	Advertising displays (including billboards).								
	Apparel or other products (including hat bodies and the like) from textiles or similar materials.								
	Beverages containing less than 0.5% of alcohol by volume at 60° F.								
	Boats less than one hundred feet long.								
	Brooms or brushes.								
	Cameras or other photographic equipment, except film.								
	Carpets.								
	Canvas or canvas products.								
	Ceramic products, including pottery, small glazed tile and the like.								
	Cosmetics or toiletries.								
	Cotton wadding or linters.								
	Electric lamp bulbs.								
	Electric lighting fixtures, electric irons, electric fans, electric toasters, electric toys or similar electric appliances.								

NO.	USE ITEM	District S	R	H	L	B	M	I	W
	Electric wiring supplies, dry cell batteries and the like.								
	Electronic components and supplies.								
	Food products except meat and fish products.								
	Fur goods (exclusive of curing, dyeing and tanning).								
	Gases in amounts not exceeding two thousand cubic feet a day.								
	Glass products from previously manufactured glass.								
	Hair, felt or feather products (exclusive of curing, dyeing and washing).								
	Hosiery.								
	Ice (dry or natural).								
	Ink or inked ribbon.								
	Leather products, including shoes, machine belting and the like.								
	Luggage.								
	Mattresses (including rebuilding and renovating).								
	Metal furniture, cabinets, doors, fencing and the like.								
	Metal products made by stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils and the like.								
	Musical instruments, including pianos and organs.								
	Novelty products.								
	Optical equipment, clocks or similar precision instruments.								
	Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers and similar appliances.								
	Paper products, including envelopes, stationery, bags, boxes, shipping containers, wallpaper printing and similar products.								
	Pharmaceutical products.								
	Plastic products, including tableware, phonograph records, buttons, and the like.								

NO.	USE ITEM	District S	R	H	L	B	M	I	W
	Rubber products (exclusive of rubber and synthetic processing), including washers, gloves, footwear, bathing caps, atomizers and the like.								
	Shoddy.								
	Silverware (plate or sterling).								
	Sporting goods or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods and the like.								
	Statuary, mannequins, figurines, or religious or church art goods, exclusive of foundry operations.								
	Textiles, knit goods, yard goods, thread or cordage, including spinning, weaving, dyeing and printing.								
	Tobacco products, including curing tobacco.								
	Tools or hardware, including hand tools, drills, cutlery, bolts, nuts, screws, doorknobs, hinges, house hardware, locks, nonferrous metal castings, plumbing appliances, and the like.								
	Toys.								
	Umbrellas.								
	Vehicles for children, including baby carriages, scooters, wagons, bicycles, and the like.								
	Venetian blinds, window shades, and awnings.								
	Wax products.								
	Wood products, including furniture, boxes, crates, barrels, baskets, pencils and the like.								
	Packaging chemicals, detergents or soap.								
	Poultry or rabbit slaughtering or packing.								
	Printing or newspaper publishing, including engraving or photoengraving.								
	Scenery construction.								
	Storage of gases in amounts not exceeding ten thousand cubic feet.								
	Upholstering.								

O.	USE ITEM	District S	R	H	L	B	M	I	W
9.	Any industrial use other than a use described in Use Item No. 70.....	F	F	F	F	F	F	A	‡
	‡ A if waterfront access required for receipt or dispatch of goods or for any other reason; otherwise C.								
0.	Any of the following uses:	F	F	F	F	F	F	C	C
	Any use which is objectionable or offensive because of especial danger or hazard, or because of cinders, dust, smoke, refuse matter, flashing, fumes, gases, vapor or odor not effectively confined to the lot, or because of noise or vibration perceptible without instruments more than two hundred and fifty feet outside the perimeter of the lot or, if a residential district is within two hundred and fifty feet of the lot, at any point inside such residential district.								
	Distillation of wood or bones.								
	Curing, dyeing, washing or bulk processing feathers, felt or hair.								
	Curing, dyeing, finishing or tanning fur or leather.								
	Incineration or reduction of garbage, offal or dead animals.								
	Manufacture of								
	Asphalt or asphalt products.								
	Charcoal, fuel briquettes, or lampblack.								
	Chemicals including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote, disinfectants, exterminating agents, fungicides, hydrogen or oxygen, industrial alcohol, insecticides, potash, plastic materials or synthetic rosins, or hydrochloric, picric or sulphuric acids or derivatives.								
	Coal, coke or tar products, including gas.								

NO.	USE ITEM	District S	R	H	L	B	M	I	W
	Fertilizers.								
	Gases in amounts exceeding two thousand cubic feet a day.								
	Gelatin, glue or size.								
	Gypsum.								
	Linoleum or oil cloth.								
	Matches.								
	Paint, turpentine or varnish.								
	Plastic (raw).								
	Rubber (natural or synthetic) including tires, tubes or similar products.								
	Soaps or detergents, including fat rendering.								
	Reduction, refining or smelting metal or metal ores.								
	Refining petroleum or petroleum products.								
	Sewage disposal plant.								
	Solvent extracting.								
	Storage of gases in amounts exceeding ten thousand cubic feet.								
	Wool scouring or pulling.								
	Ancillary Uses								
71.	Any use on a lot adjacent to, or across the street from, but in the same district as, a lawful use to which it is ancillary and ordinarily incident and for which it would be a lawful accessory use if it were on the same lot; any such use on such a lot in another district unless such use is a use specifically forbidden in such other district.....	C*	C*	C*	C*	C*	C*	C*	C*
	* Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.								
	Accessory Uses								
72.	As an accessory use subject to the limitations and restrictions of Article 10, a garage or parking space for occupants, employees, customers, students and visitors.....	A*	A*	A*	A	A	A	A	A
	* Provided that any accessory garage building does not exceed:								

NO.	USE ITEM	District S	R	H	L	B	M	I	W
	in a S or R district, 10% of the lot area; and in an H district, 25% of the rear yard required by this code or of the unbuilt lot area; and provided further that where a garage or parking space is accessory to a dwelling use in a S, R or H district, there is space for no more than three vehicles for each dwelling unit, none of which shall be a commercial vehicle with a maximum load capacity of more than 1½ tons, and not more than one of which shall be a commercial vehicle with a maximum load capacity of 1½ tons or less.								
73.	As an accessory use subject to the limitations and restrictions of Article 10, an office, within a main building, of an accountant, architect, attorney, dentist, physician or other professional person who resides in such building.....	C*	A*	A*	A	A	A	A	C
	* Provided that non-resident assistants do not exceed: one in a S district, two in a R district, and three in an H district.								
74.	As an accessory use subject to the limitations and restrictions of Article 10, an occupation for profit customarily carried on in a dwelling unit by a person residing therein.....	C*	A*	A*	A	A	A	A	C
	* Provided that such occupation is carried on in a main building and requires only equipment ordinarily incident to a dwelling unit, that no non-resident help is employed, and that there is no trading in merchandise.								
75.	As an accessory use subject to the limitations and restrictions of Article 10, the keeping of horses, cows, goats or similar animals other than pigs...	C*	C*	C*	C*	C*	C*	C*	C*
	* Provided that every stable and enclosure is at least one hundred feet from every residential building on another lot; and provided further that every stable and enclosure shel-								

NO.	USE ITEM	District S	R	H	L	B	M	I	W
	tering more than four such animals is at least one hundred feet from every lot on which there is a church, school, playground, library, or public or eleemosynary institution unless that distance is intersected by a street at least sixty feet wide; and provided also in a S, R or H district, that no more than twenty-five animals at a time are kept on the lot and that every stable and enclosure is more than one hundred feet from the nearest street. A condition of this use shall be that if on another lot a residential building is erected within one hundred feet of a stable or enclosure, the use of such stable or enclosure shall cease, and such stable or enclosure shall be removed.								
76.	As an accessory use subject to the limitations and restrictions of Article 10, the keeping of poultry, pigeons, rabbits or bees.....	C*	C*	C*	C*	C*	C*	C*	C
	* Provided that every enclosure therefor is at least fifty feet from every residential building on another lot; and provided further in a S, R or H district, that not more than twenty-five birds and rabbits in the aggregate or more than three colonies of bees are kept on the lot at one time, and that every enclosure is more than fifty feet from the nearest street. A condition of this use shall be that if on another lot a residential building is erected within fifty feet of an enclosure, the use of such enclosure shall cease, and such enclosure shall be removed.								
77.	As an accessory use subject to the limitations and restrictions of Article 10, the keeping of laboratory animals incidental to an educational or institutional use.....	F	C*	A*	A*	A*	A*	A*	A

NO.	USE ITEM	District S	R	H	L	B	M	I	W
	* Provided that all resulting noise, dust, fumes, gases, odors and refuse matter are effectively confined to the lot or so disposed of as not to be a nuisance or hazard to health or safety.								
78.	As an accessory use subject to the limitations and restrictions of Article 10, in buildings with more than fifty dwelling units, and in hotels with more than fifty sleeping rooms, newsstand, barber shop, dining room and similar services primarily for the occupants thereof, when conducted wholly within the building and entered solely from within the building.....	F	F	A	A	A	C	C	C
79.	As an accessory use subject to the limitations and restrictions of Article 10, in hospitals with more than fifty beds, and in educational institutions with more than four hundred full-time students, incidental uses and services ordinarily found in connection therewith and primarily for the patients and staff or students and faculty, when conducted wholly within a building and entered solely from within the building where there is but one building on the lot or from an entrance not directly facing a street or lot line where there is more than one building on the lot.....	C	C	A	A	A	F	F	F
80.	As an accessory use subject to the limitations and restrictions of Article 10, the storage of flammable liquids and gases incidental to a lawful use.	A	A	A	A	A	A	A	A
81.	As an accessory use subject to the limitations and restrictions of Article 10, the manufacture, assembly or packaging of products sold on the lot.	F	F	F	A*	A	A	A	C

NO.	USE ITEM	District S	R	H	L	B	M	I	W
	* Provided that no products are processed for sale elsewhere than on the lot and that at any one time no more than five persons are employed in such manufacture, assembly and packaging.								
82.	As an accessory use subject to the limitations and restrictions of Article 10, a repair garage incident to auto sales.....	F	F	F	F	A*	A*	A*	C
	* Provided that all washing, lubricating and making of repairs is carried on inside a building, and that all noise, flashing, dust, fumes, gases, smoke and vapor are effectively confined to the lot.								
83.	As an accessory use subject to the limitations and restrictions of Article 10, permanent dwellings for personnel required to reside on a lot for the safe and proper operation of a lawful main use of such lot.....	A	A	A	A	A	C		
84.	As an accessory use subject to the limitations and restrictions of Article 10, any non-residential use lawful in in an I district.....	F	F	F	F	F	C		
	* Provided that such use is so carried on as not to be either a hazard to the health or safety of persons on any adjacent lot or a nuisance.								
85.	As an accessory use subject to the limitations and restrictions of Article 10, any use ancillary to, and ordiarily incident to, a lawful main use..	A*	A*	A*	A*	A*	A*	A*	A
	* Provided that such use is not a use specifically forbidden in such district; and provided further that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.								

ARTICLE 9.

NONCONFORMING USES.

SECTION 9–1. *Extension of Nonconforming Uses and Reconstruction and Extension of Nonconforming Buildings.* Whenever land is being lawfully used for a use not conforming to this code other than stone quarrying, such use may be extended on the same lot or on an adjoining lot; provided that after public notice and hearing and subject to the provisions of Sections 6–2, 6–3 and 6–4, the Board of Appeal grants permission for such extension; and provided further that the use as extended shall not exceed by more than twenty-five per cent either in volume or in area the nonconforming use existing on the effective date of this code or, in the case of a use made nonconforming by an amendment of this code, on the effective date of such amendment.

Whenever a building or structure is being lawfully used for a use not conforming to this code, such building or structure may be reconstructed, structurally changed or extended; provided that after public notice and hearing and subject to the provisions of Sections 6–2, 6–3 and 6–4, the Board of Appeal grants permission for such reconstruction, structural change or extension; provided also that the building or structure as reconstructed, structurally changed or extended shall not exceed by more than twenty-five per cent either in volume or in area the building or structure existing on the effective date of this code or, in the case of a building or structure made nonconforming by an amendment of this code, on the effective date of such amendment; and provided further that the aggregate amount expended for reconstructing, structurally changing or extending a nonconforming building or structure after the effective date of this code or, in the case of a building or structure made nonconforming by an amendment to this code, after the effective date of such amendment, shall not exceed fifty per cent of the physical value of the building or structure on the effective date of this code or such amendment as determined by the Board of Appeal from its reproduction cost less physical deterioration.

SECTION 9–2. *Change in Nonconforming Use.* If on the effective date of this code or of any amendment thereof a tructure or land is being lawfully used for a use not con-

forming to this code or such amendment, such structure or land may be used for another nonconforming use; provided that after public notice and hearing and subject to the provisions of Sections 6–2, 6–3 and 6–4, the Board of Appeal grants permission for such substitute nonconforming use; and provided further that upon the use of such structure or land for such substitute nonconforming use, the right to use such structure or land for the former nonconforming use shall terminate.

Section 9–3. *Effect of Non-Use of Nonconforming Use.* If on the effective date of this code, a structure or land is being lawfully used for a use not conforming to this code, in order not to unduly prolong the life of such nonconforming use, the subsequent non-use of such structure or land for such nonconforming use for a period of twenty-four consecutive calendar months shall terminate the right to use such structure or land for such nonconforming use. So also, if on the effective date of any amendment to this code a structure or land is being lawfully used for a use not conforming to such amendment, in order not to unduly prolong the life of such nonconforming use, the subsequent non-use of such structure or land for such nonconforming use for a period of twenty-four consecutive calendar months shall terminate the right to use such structure or land for such nonconforming use. For the purposes of this section, whenever a structure or land is not being actively used for a nonconforming use, there shall be deemed to be a non-use for such nonconforming use.

ARTICLE 10.

ACCESSORY USES

Section 10–1. *Limitation of Area.* The accessory uses on a lot, exclusive of off-street parking, shall not occupy, in the aggregate, more than twenty-five per cent of the floor area of the main buildings; nor shall the accessory uses on a lot, exclusive of off-street parking required by this code, occupy, in the aggregate, more than twenty-five per cent of the rear yard required by this code or of the unbuilt lot area; nor in any residential district shall any accessory use occupy any part of the front or side yards required by this code, except that such a side yard may be used for off-street parking located more than five feet from the side lot line; and in no other district shall any accessory

use other than off-street parking occupy any part of the front or side yards required by this code.

SECTION 10–2. *Restriction in Residential Districts.* In a residential district, there shall not be any use accessory to a main dwelling use which involves:

(*a*) The employment of any person (other than domestic servants) not resident in a dwelling unit on the lot, except for uses under Use Item Nos. 72, 73, and 78 of Table A of Section 8–7; or

(*b*) The maintenance of a stock in trade except for uses under Use Item No. 78 of said Table A; or

(*c*) The use of any show window, display or advertising open to view from outside the lot for the purpose of attracting customers or clients, other than professional announcement signs; or

(*d*) The conduct of a business office open to the public.

In no S or R district shall any boarding house or lodging house be conducted as an accessory use.

SECTION 10–3. *Temporary Accessory Uses.* If upon application for a permit under this section the Building Commissioner is of the opinion that a use not conforming to this code is incidental to, and reasonably required for, the development of a lawful use, he may grant for an initial period of not more than two years, and may extend from time to time but not for more than one year at a time, a permit for such nonconforming use; provided that he has on file (1) an instrument wherein the applicant for such permit covenants with the city to terminate such use at the expiration of such permit and to remove within three months after such expiration all nonconforming structures erected under such permit, and (2) to secure the faithful performance of such covenant, either a bond of an insurance company authorized to do business in Massachusetts or bonds, notes or certificates of indebtedness of the City, the Commonwealth of Massachusetts or the United States, the former in a penal sum, and the latter in an amount, not less than whichever of the following is the greater: (*a*) twice the amount which the Building Commissioner estimates it will cost the City to remove such nonconforming structures or (*b*) one thousand dollars; and provided, further, no such permit shall be extended or renewed to permit such nonconforming use more than seven years after the inception thereof.

ARTICLE 11.

SIGNS

SECTION 11–1. *Signs in Residential Districts.* In any residential district there shall not be any billboard, signboard or sign except as follows:

(*a*) One sign, not exceeding two square feet in area, attached to the building or on a rod or post not more than four feet high and at least three feet in from the street line, and either not illuminated or illuminated only by continuous reflected light, and stating only the street number or name of the occupant or occupants of the lot, or both, except that in an H district such sign may also identify the business of the occupant.

(*b*) One bulletin or announcement board, name-sign or entrance-marker for each church or institution, not exceeding twenty square feet in area, located no nearer to the street than half the depth of the front yard required by this code, and either not illuminated or illuminated only by continuous reflected light, except that if the street frontage of such church or institution exceeds one hundred feet, one such sign for each hundred feet (computed to the nearest whole number).

(*c*) A sign incident to a lawful nonconforming use on the same lot, subject to Sections 29 to 33, inclusive, of Chapter 93 of the General Laws as now in force or hereafter amended.

(*d*) A "For Sale" or "For Rent" sign, not exceeding eight square feet in area, and advertising the property on which such sign is located.

(*e*) Signs, not exceeding twelve square feet in area each, maintained by building contractors on buildings actually under construction.

(*f*) Temporary signs authorized under Section 10–3.

SECTION 11–2. *Signs in Local Business Districts.* In a local business district, there shall not be any billboard, signboard or sign except as follows:

(*a*) Billboards, signboards and signs allowed in residential districts.

(*b*) Billboards, signs and other advertising devices subject to Sections 29 to 33, inclusive, of Chapter 93 of the General Laws as now in force or hereafter amended.

Whenever any part of a lot in a L district is directly across a street from any part of a lot in a S, R or H district, and whenever a lot in a L district abuts a lot in a S, R or H district, the aggregate area of all signs on the lot in the L district which face toward, and are open to view from, the lot in the S, R or H district shall not exceed whichever of the following allows the greater area:

(1) 10% of the area of the wall substantially parallel to such lot line, or

(2) one square foot for each foot in the length of such lot line.

SECTION 11–3. *Signs in Other Districts.* Billboards, signboards, signs, and other advertising devices conforming to other laws applicable to them are allowed in B, M, I and W districts.

ARTICLE 12.

TRANSITION ZONING

SECTION 12–1. *Lots in Two Districts.* Where a district boundary line divides a lot in single ownership of record at the time this code becomes effective, the uses allowed and the other regulations in this code applying to the less restricted portion of the lot shall be considered as extending to so much of the remainder of the lot as is within thirty feet of said district boundary line, and the uses and other regulations so extended shall be deemed to be conforming so long as the land to which they are extended shall remain part of said lot.

SECTION 12–2. *Lots in Residential District Adjacent to Business or Industrial District.* Where a lot in a S or R district abuts the sideline of a lot in a L, B, M, I or W district, the part of such S or R lot within fifty feet of the district boundary may be used as if it were in the next less restricted residential zone, provided that the height, area, and yard restrictions of the district in which it is located are met. If after public notice and hearing and subject to the provisions of Sections 6–2, 6–3 and 6–4 the Board of Appeal grants permission therefor, the part of any structure within such fifty feet may be used for professional offices, private clinics, insurance, institutional and real estate offices, and other semi-commercial uses, provided in all cases that the height, area, and yard regulations of the district in which such structure is located are met.

Section 12–3. *Lots in Business or Industrial Districts Adjacent to Residential District.* Where a lot in a business or industrial district abuts a lot in a residential district, the lot in the L, B, M, I or W district shall have along each line abutting a residential district a yard equal in width or depth to that required in the residential district. Where land on one side of a street between two intersecting streets is zoned partly as residential and partly as business or industrial, the front yard depth in so much of the L, B, M, I or W district as lies within one hundred feet (measured along the street line) from the boundary line dividing the two districts shall be equal to the front yard depth required by this code in the S, R or H district.

ARTICLE 13.

DIMENSIONAL REQUIREMENTS

Section 13–1. *Dimensional Regulations.* Minimum lot size, minimum lot area per dwelling unit, minimum lot width, maximum height of buildings, minimum usable open space per dwelling unit, minimum front yard depth, minimum side yard width, minimum rear yard depth, minimum setback distance of parapet from any lot line, and maximum per cent of rear yard occupied by accessory buildings for each class of use shall, subject to the provisions of this Article and Articles 14 to 23, inclusive, be as specified in the following table:

TABLE B: DIMENSIONAL REGULATIONS

District	Type of Use	LOT SIZE minimum sq. ft.	LOT AREA minimum sq. ft. for each add'l. dwell. unit	LOT WIDTH minimum feet	FLOOR AREA RATIO maximum (fn. 1)	HEIGHT OF BUILDINGS maximum stories	HEIGHT OF BUILDINGS maximum feet	USABLE OPEN SPACE minimum sq. ft. per dwell. unit	FRONT YARD minimum depth feet	SIDE YARD minimum width feet	REAR YARD minimum depth feet	SETBACK OF PARAPET minimum distance from lot line	REAR YARD maximum % occupied by accessory buildings
RESIDENCE DISTRICTS													
R-.5	1 family detached	9,000	none	70	0.3	2½	35	none	25	12	40	none	25%
	Other use	9,000	6,000	70	0.3	2½	35	none	30	15	50	none	20
R-.5	1 family detached	6,000	none	60	0.5	2½	35	none	25	10	40	none	25
	Other use	6,000	4,000	60	0.5	2½	35	none	30	12	50	none	20
R-.5	1 & 2 fam. detached	5,000	3,000	50	0.5	2½	35	none	20	10	40	none	25
	Any other dwelling	2 acres	3,000(fn. 2)	200	0.5	2	35	1,000	25	10	40	none	20
	Other use	5,000	3,000	50	0.5	2½	35	none	25	10	40	none	20
R-.8	1 & 2 family row	3,000	2,000	none	0.8	3	35	800	20	10	40	none	25
	Any other dwelling	5,000	1,500	50	0.8	3	35	800	20	10	40	none	25
	Other use	5,000	1,500	50	0.8	3	35	none	25	10	40	none	20
H-1	1 & 2 family row	2,000	1,500	none	1.0	none	none	400	20	(fn. 4)	30	H + L' / 6	25
	Any other dwelling	5,000	1,000	50	1.0	none	none	400	20	(fn. 4)	10 + L/20	for all uses	25
	Other use	5,000	1,000	50	1.0	none	none	none	25	(fn. 4)	(fn. 6)		25
H-2	Any dwelling	none	none	none	2.0	none	none	150	20	(fn. 4)	10 + L/20	H + L' / 6	30
	Other use	none	none	none	2.0	none	none	none	20	(fn. 4)	(fn. 6)	for all uses	30
H-2-65	Any dwelling	none	none	none	2.0	7	65	150	20	(fn. 4)	10 + L/20	H + L' / 6	30
	Other use	none	none	none	2.0	7	65	none	20	(fn. 4)	(fn. 6)	for all uses	
H-3	Any dwelling	none	none	none	3.0	none	none	100	15	(fn. 4)	10 + L/20	H + L' / 6	35
	Other use	none	none	none	3.0	none	none	none	15	(fn. 4)	(fn. 6)	for all uses	35
H-4	Any dwelling	none	none	none	4.0	none	none	50	15	(fn. 4)	10 + L/20	H + L' / 6	40
	Other use	none	none	none	4.0	none	none	none	15	(fn. 4)	(fn. 6)	for all uses	40
H-5	Any dwelling	none	none	none	5.0	none	none	50	15	(fn. 4)	10 + L/20	H + L' / 6	40
	Other use	none	none	none	5.0	none	none	none	15	(fn. 4)	(fn. 6)	for all uses	40
BUSINESS DISTRICTS													
L-.5	Any dwelling	(fn. 3)	(fn. 3)	(fn. 3)	0.5	2½	35	(fn. 3)	(fn. 3)	(fn. 3)	(fn. 3)	none	-
	Other use	none	none	none	0.5	2½	35	none	15	none (fn. 5)	20 (fn. 7)	none	-
L-1	Any dwelling	(fn. 3)	(fn. 3)	(fn. 3)	1.0	3	35	(fn. 3)	(fn. 3)	(fn. 3)	(fn. 3)	none	-
	Other use	none	none	none	1.0	3	35	none	10	none (fn. 5)	20 (fn. 7)	none	-
L-2	Any dwelling	(fn. 3)	(fn. 3)	(fn. 3)	2.0	none	none	(fn. 3)	(fn. 3)	(fn. 3)	(fn. 3)	H + L' / 6	-
	Other use	none	none	none	2.0	none	none	none	none	none (fn. 5)	10 + L/20 (fn. 7)	for all uses	-
B-1	Any dwelling	(fn. 3)	(fn. 3)	(fn. 3)	1.0	3	40	(fn. 3)	(fn. 3)	(fn. 3)	(fn. 3)	H + L' / 6	-
	Other use	none	none	none	1.0	3	40	none	none	none (fn. 5)	10 + L/20 (fn. 7)	for all uses	-
B-2	Any dwelling	(fn. 3)	(fn. 3)	(fn. 3)	2.0	none	none	(fn. 3)	(fn. 3)	(fn. 3)	(fn. 3)	H + L' / 6	-
	Other use	none	none	none	2.0	none	none	none	none	none (fn. 5)	10 + L/20 (fn. 7)	for all uses	-
B-4	Any dwelling	(fn. 3)	(fn. 3)	(fn. 3)	4.0	none	none	(fn. 3)	(fn. 3)	(fn. 3)	(fn. 3)	H + L' / 6	-
	Other use	none	none	none	4.0	none	none	none	none	none (fn. 5)	10 + L/20 (fn. 7)	for all uses	-
B-8	Any dwelling	(fn. 3)	(fn. 3)	(fn. 3)	8.0	none	none	(fn. 3)	(fn. 3)	(fn. 3)	(fn. 3)	H + L' / 6	-
	Other use	none	none	none	8.0	none	none	none	none	none (fn. 5)	10 + L/20 (fn. 7)	for all uses	-
B-10	Any dwelling	(fn. 3)	(fn. 3)	(fn. 3)	10.0	none	none	(fn. 3)	(fn. 3)	(fn. 3)	(fn. 3)	H + L' / 6	-
	Other use	none	none	none	10.0	none	none	none	none	none (fn. 5)	10 + L/20 (fn. 7)	for all uses	-
INDUSTRIAL DISTRICTS													
M-1	Any use	none	none	none	1.0	2½	35	none	20	(fn. 5)	20	H + L' / 6	-
M-2	Any use	none	none	none	2.0	none	none	none	none	(fn. 5)	12	H + L' / 6	-
M-4	Any use	none	none	none	4.0	none	none	none	none	(fn. 5)	12	H + L' / 6	-
M-8	Any use	none	none	none	8.0	none	none	none	none	(fn. 5)	12	H + L' / 7	-
I-2	Any use	none	none	none	2.0	none	none	none	none	(fn. 5)	12	H + L' / 6	-
W-2	Any use	none	none	none	2.0	none	none	none	none	(fn. 5)	12	H + L' / 6	-

Key: L = Length of wall parallel (or within 45° of parallel) to lot line, measured parallel to lot line.
H = Height of building above the height below which no setback is required.
L' = Length of wall parallel (or within 45° of parallel) to lot line, measured parallel to lot line at greatest length above the height below which no setback is required.

(1) See Sections 15-2, 15-3, and 15-4 for cases where maximum floor area ratio may be exceeded. (2) No additional lot area for first 30 dwelling units.
(3) See Section 13-4. (4) See Section 19-4. (5) See Section 19-5. (6) See Section 20-4. (7) See Section 20-5.

SECTION 13–2. *Lot Area or Yards Required.* In computing the area of a lot or the dimensions of the yards required for any building or use, there shall not be included any land which was used to meet the minimum area or minimum yard space required by law for any other building or use at the time of its erection or inception, and which would be required to meet the requirements of this code for such other building or use. This prohibition shall apply whether or not such land is still in the same ownership as when it was used as aforesaid.

SECTION 13–3. *Nonconformity as to Dimensional Requirements.* A building or use existing on the effective date of this code and not conforming to the applicable dimensional requirements specified in other provisions of this Article and Articles 14 to 23, inclusive, may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

SECTION 13–4. *Dwellings in Business Districts.* Any dwelling in a L or B district shall conform to the lot area and yard requirements for the adjacent S, R or H district. If the L or B district is adjacent to more than one residence district, the regulations of the more restricted residence district shall apply between the boundary of such district and the nearest street, or half-way to the boundary of the less restricted residence district, whichever is greater. A dwelling in a L or B district not adjacent to a S, R or H district shall conform to the lot area and yard requirements for the nearest S, R or H district.

ARTICLE 14.

LOT SIZE, AREA AND WIDTH

SECTION 14–1. *Minimum Lot Size.* Where a minimum lot size is specified in Table B of Section 13–1, no main building shall be erected, nor main use established, on any lot for which such size is specified, if such lot is of lesser size, except as provided in Section 14–6.

SECTION 14–2. *Lot Area per Dwelling Unit, etc.* Where a minimum lot area for each additional dwelling unit is specified in Table B of Section 13–1, the minimum lot area for the first dwelling unit on the lot shall be the minimum lot size;

and the minimum additional lot area for each additional dwelling unit thereon shall be the minimum lot area for each additional dwelling unit specified in said Table B. For residential structures not divided into dwelling units, each two sleeping rooms for single or double occupancy and each four beds in sleeping rooms that contain beds for more than two persons shall be deemed to constitute one dwelling unit; provided that each two hospital beds shall be deemed to constitute one such unit. For non-residential structures, and for structures where non-residential uses are combined with residential uses, each fifteen hundred square feet of gross floor space devoted to non-residential uses shall be deemed to constitute one dwelling unit.

Section 14–3. *Lot Width.* Where a minimum lot width is specified in Table B of Section 13–1, no main building shall be erected on any part of a lot for which such minimum lot width is specified, if such lot has a width less than that specified in said Table B, except as provided in Section 14–6.

Section 14–4. *Lot Frontage.* Where a minimum lot width is specified in Table B of Section 13–1, each lot for which such minimum lot width is specified shall have a minimum frontage on a street not less than the width so specified, except as follows:

(*a*) Where such a lot fronts on the outer curve of a curved street, the frontage of such lot on such street may be less than the width so specified, provided that the width of such lot at the minimum front yard depth required by Article 18 is not less than the minimum lot width so specified.

(*b*) Where a lot is located to the rear of another lot or lots, there shall be an unobstructed access to the rear lot from a street over land that is not part of any other lot. So much of such access as has a width less than the minimum lot width specified for the rear lot in Table B of Section 13–1 shall not be included in meeting the requirements of Sections 14–1 and 14–2 with respect to the area of the rear lot, or the requirements of Article 17, 18, 19 and 20 with respect to the open spaces and front, side and rear yards of the rear lot. If there are dwelling units on the rear lot, the minimum width and street frontage of such access shall be:
20 feet where the rear lot has less than 4 such units,
30 feet where the rear lot has less than 8, but more than 3, such units,

40 feet where the rear lot has less than 13, but more than 7, such units, and
50 feet where the rear lot has more than 12 such units.

SECTION 14–5. *Building on Rear of a Lot.* (*a*) If in any S, R or H district a main building is on the same lot as, and to the rear of, another main building, there shall be an unobstructed access to such rear building from a street, the width and street frontage of which access shall not be less than five feet.

(*b*) If there are dwelling units in such rear building, the minimum width and street frontage of such access shall be:

15 feet where such building has less than 3 such units,
25 feet where such building has more than 2, but less than 8, such units,
40 feet where such building has more than 7, but less than 13, such units, and
50 feet where such building has more than 12 such units.

The access required by this paragraph (*b*) shall not be within any side yard required by this code for the front building, and shall not be included in meeting the lot area requirements of this code for either building.

(*c*) Where in a residential district a dwelling designed for occupancy or occupied by one or more families is on the same lot as, and to the rear of, another main building, the distance between such dwelling and such main building shall be not less than twice the minimum rear yard depth required by this code for such main building; and the requirements of this code with respect to lot size, open space, and front, rear and side yards shall apply as if such dwelling were on a separate lot.

SECTION 14–6. *Exceptions.* If the requirements of this code with respect to open space and to front, rear and side yards are met, the provisions of Sections 14–1 and 14–3 shall not prevent the construction, reconstruction or alteration of a single family dwelling on any lot assessed as a separate parcel or in separate ownership of record (by plan or deed) at the time this code takes effect; provided, however, that the foregoing provisions of this section shall not apply to any two or more contiguous lots in a single ownership at or subsequent to said time where a redivision could create one or more lots meeting the requirements of Sections 14–1 and 14–3 except that, if the Board of Appeal

determines that such a redivision cannot reasonably be made without creating or continuing one or more lots not meeting such requirements, said Board may grant permission for the construction of a single family dwelling on a lot not meeting such requirements except that said Board shall not grant such permission for (1) any lot not meeting three fourths of the requirements of Section 14–1 unless more than one half of the lots within the same block have buildings erected thereon and do not meet three fourths of such requirements, or (2) any lot not meeting three fourths of the requirements of Section 14–3 unless more than one half of the lots within the same block have buildings erected thereon and do not meet three fourths of such requirements.

ARTICLE 15.

BUILDING BULK

SECTION 15–1. *Floor Area Ratio.* Except as otherwise provided in this Article, the ratio which the gross floor area of all structures on a lot exclusive of floor area required to meet the off-street parking requirements of this code bears to the area of the lot shall not exceed the maximum floor area ratio specified in Table B of Section 13–1. In calculating the area of the lot for the purpose of this section, the following parts of the lot shall be excluded: (*a*) every part required by any other structure or use to comply with any requirement of this code, and (*b*) every part the ownership of which is transferred subsequent to the effective date of this code if such part is required for compliance with the provisions of Articles 13 to 22, inclusive, applicable to the lot from which such transfer is made.

SECTION 15–2. *Increase in Floor Area Ratio for Off-Street Parking.* Subject to the provisions of Section 15–5, the maximum floor area ratio specified in Table B of Section 13–1 shall be increased:—

(*a*) in the case of a residential building in an H or a B district, by ten per cent (10%) of such maximum for each off-street parking space per ten dwelling units in excess of the number required by Article 23; and

(*b*) in the case of a non-residential building in an H or a B district, by six hundred (600) square feet for each off-street parking space in excess of the number, if any, required by Article 23.

SECTION 15–3. *Increase in Floor Area Ratio for Abutting Public Open Space,* Subject to the provisions of Section 15–5, where a lot in an H or a B district abuts on any side on a public open space more than one hundred feet wide or on one of two or more contiguous public open spaces more than one hundred feet wide in the aggregate, fifty feet or one half of the width of such open space in excess of one hundred feet, whichever is less, shall be added to the depth of the lot in calculating the area of the lot for the purposes of Section 15–1.

SECTION 15–4. *Increase in Floor Area Ratio for Large Lots in H–5 Districts.* (*a*) Subject to the provisions of Section 15–5, the maximum floor area ratio specified in Table B of Section 13–1 shall be increased by 1.0 in the case of a lot in an H–5 district containing twelve thousand or more, but less than twenty thousand, square feet.

(*b*) Subject to the provisions of Section 15–5, the maximum floor area ratio specified in Table B of Section 13–1 shall be increased by 2.0 in the case of a lot in an H–5 district containing twenty thousand square feet or more.

SECTION 15–5. *Limitation to Excess Floor Area Ratio Provisions under Sections 15–2, 15–3 and 15–4.* In no case shall the maximum floor area ratio exceed the following limits:

Where Maximum Floor Area Ratio Specified in Table B is	Under Section 15–2	Under Section 15–3	Under Section 15–4a	Under Section 15–4b	Under All Sections
1.0	1.2	1.2			1.3
2.0	2.5	2.5			3.0
3.0	4.0	4.0			5.0
4.0	5.5	5.5			7.0
5.0	6.5	6.5	6.0	7.0	9.0
8.0	10.0	10.0			12.0
10.0	12.0	12.0			14.0

SECTION 15–6. *Special Floor Area Ratio Provisions for Regulated Projects.* Notwithstanding the provisions of Section 15–5, in the case of a lot in a B–8 or a B–10 district constituting part of a project under Chapter 121, or Chapter 121A, of the General Laws for the development or redevelopment of five or more acres of land, the floor area ratio may exceed the maximum floor area ratio specified in Table B of Section 13–1; provided that if so much of the district as constitutes part of such project is taken as one lot, the floor area ratio does not exceed such maximum.

ARTICLE 16.

HEIGHT OF BUILDINGS

SECTION 16–1. *Maximum Height of Buildings.* Where a maximum height of buildings is specified in Table B of Section 13–1, no building or part of a building in a district, and devoted to a use, specified, shall exceed the number of stories or feet in height so specified except as provided in Sections 16–2 and 16–3.

SECTION 16–2. *Exceptions.* The provisions of Section 16–1 shall not apply to belfries, cupolas, domes, monuments, church spires, water towers, observation towers, radio towers, transmission towers, windmills, chimneys, smokestacks, silos, derricks, conveyors, masts, flag poles, aerials, elevator headhouses, water tanks, monitors, signs, or other structures normally built above the roof and not devoted to human occupancy; but such structures shall be erected only to such heights, and cover only such areas, as are necessary to accomplish the purpose they are intended to serve.

SECTION 16–3. *Exceptions Adjoining Nonconforming Structures.* Wherever a legally existing structure not excepted under Section 16–2 exceeds the height limit specified in Table B of Section 13–1, on a lot in the same district as, and adjoining, the lot on which such legally existing structure is located a structure may be built to a height greater than said height limit, but shall not project above a line drawn between the highest point of said legally existing structure and any point at the height limit whose distance from said highest point is three times the height of said highest point above the height limit.

ARTICLE 17.

OPEN SPACE REQUIREMENT FOR RESIDENCES

SECTION 17–1. *Minimum Usable Open Space.* Where a minimum usable open space per dwelling unit is specified in Table B of Section 13–1, there shall be allotted and maintained for lawful outdoor uses other than off-street parking, on every lot within the district, and devoted to the use, specified, for each dwelling unit intended for family occupancy the minimum usable open space so specified, except

that in H–3, H–4 and H–5 districts all or part of this requirement may be met by suitably designed and accessible space on balconies of main buildings or on the roofs of wings of main buildings or on the roofs of accessory buildings. So much of the front, side and rear yards required by this code for the lot as is not devoted to an accessory building or off-street parking or driveway purposes shall be included in computing usable open space for the purposes of this Article.

SECTION 17–2. *Exception for Residential Structures Designed for Transient Occupancy.* The provisions of Section 17–1 shall not apply to hotels, motels, hospitals, dormitories or other residential structures intended and designed primarily for transient occupancy.

ARTICLE 18.

FRONT YARDS

SECTION 18–1. *Front Yard Requirements.* Where a minimum depth of front yard is specified in Table B of Section 13–1, so much of every lot within the district, and devoted to the use, specified as lies between the street line (or, in the case of a rear lot, the rear line of the lot to the rear of which such rear lot is located) and a line inside the lot parallel to, and such minimum depth (or, in the case of lots to which Section 18–2 applies, the average distance described therein) from, the street line (or, in the case of a rear lot, such rear line) is hereby required as a front yard within which no planting other than shade trees shall be maintained more than five feet above the average natural grade in such front yard and within which no structure shall be erected except fences and walls not over five feet in height above said average natural grade in such front yard and except also steps, terraces, open porches without roofs, and the like if not extending more than three feet above the floor of the first story.

SECTION 18–2. *Conformity with Existing Building Alignment.* If at any time in the same block as a lot required by Section 18–1 to have a front yard and within one hundred and fifty feet of each side of such lot there exists two or more buildings fronting on the same side of the same street as such lot, the average distance between the street line

and the face of such buildings shall be the minimum depth of the front yard instead of the minimum depth specified in Table B of Section 13–1.

Section 18–3. *Traffic Visibility Across Corner.* Whenever a front yard is required by Section 18–1 and the lot is a corner lot, no structure or planting interfering with traffic visibility across the corner or higher, in any event, than two and one half feet above the curb of the abutting street shall be maintained within that part of the required front yard which is within the triangular area formed by the abutting side lines of the intersecting streets and a line joining points on such lines thirty feet distant from their point of intersection.

Section 18–4. *Article Applicable Along All Street Lines.* If a lot abuts on more than one street, the provisions of this Article shall apply along every street line except as otherwise provided in Section 19–6.

Section 18–5. *Front Wall of Building Not Parallel to Front Lot Line.* If the front wall of a building is not parallel to the front lot line, but the average distance between such wall and such lot line is no less than the minimum front yard depth otherwise required by this Article, and the distance between such wall and such lot line is at no point less than three-fourths of the minimum front yard depth so otherwise required, the requirements of this Article shall be deemed to be met.

ARTICLE 19.

SIDE YARDS

Section 19–1. *Side Yard Requirements.* Except as otherwise provided in this Article, where a minimum width of side yard is specified in Table B of Section 13–1, so much of every lot within the district, and devoted to the use, specified as lies between the lot line on one side of such lot and a line inside the lot parallel to, and such minimum width from, such lot line, and also so much of every such lot as lies between the lot line on the other side of such lot and a line inside the lot parallel to, and such minimum width from, such lot line, are hereby required as side yards within which no planting other than shade trees shall be maintained more than six feet above the average natural grade in such side yard and within which no structure shall be erected except: (*a*) fences and walls not over six

feet in height above said average natural grade in such side yard, (*b*) steps, terraces, open porches without roofs and the like, if not extending more than three feet above the floor of the first story, (*c*) porches not over half the length of the sidewall, ground story bays and open iron fire escapes, if not coming within three feet of any side lot line and not extending more than three and one half feet into the side yard, (*d*) other fire escapes, bays, balconies, chimneys and flues, if not coming within three feet of any side lot line and not extending into the side yard more than one third of the width of such yard nor more than three and one third feet in any event, (*e*) belt courses, leaders, sills, pilasters, lintels and ornamental features, if not coming within three feet of any side lot line and not extending more than one foot into the side yard, and (*f*) cornices and gutters, if not coming within three feet of any side lot line and not extending more than two feet into the side yard.

Section 19–2. *Side Yards with Driveways.* Except in S and R districts, no side yard in which there is a driveway providing access to off-street parking, or off-street loading, facilities required by this code shall be less than ten feet in width.

Section 19–3. *Accessory Garages and Other Accessory Buildings.* In a S, R or H district, an accessory building may extend into a side yard but not for more than one third of the width of such side yard, except that no part of any such building nearer to the front street line than seventy-five feet or, if that be less, three fourths of the depth of the lot, shall extend into any side yard.

Section 19–4. *Side Yards in H Districts.* Except as otherwise provided in Section 19–6, no side yard is required in an H district between the front yard required by this code and a line parallel thereto and seventy feet in the rear thereof; nor is any side yard required in an H district along any part of a side lot line on which a building on the adjoining lot abuts between the rear yard required by this code and said line seventy feet in the rear of the front yard so required. If a side yard is provided in an H district, such yard shall not be less in width than ten feet plus one twentieth of the length of the wall parallel (or within 45° of parallel) to the side lot line, except that in no event need such yard be wider than twenty feet.

Section 19–5. *Side Yards in L, B, M, I and W Districts.* In L, B, M, I and W districts, no side yard is required except in the case of (*a*) a lot used for dwelling purposes, which shall have side yards as prescribed by Section 13–4, and (*b*) a lot with a side lot line abutting a S, R or H district, which shall have side yards as if it were in such abutting district.

Section 19–6. *Special Provisions for Corner Lots.* (*a*) The front yard and front setback requirements of this code, and not the side yard requirements of this Article, shall apply to that part of a side lot line which is also a street line extending more than one hundred feet from the intersection of such line with another street line.

(*b*) In an H district, the width of the side yard along a side lot line of a lot which is also a street line shall be one half the front yard depth required by this code for the lot; and in all other districts, unless no side yard is required, such width shall be one fifth of the width of the lot measured at the front yard line but not less than the side yard width specified for the lot in Table B of Section 13–1, except that such width need not be greater than the front yard depth required by this code for the lot; provided, however, that if in any district a side lot line of a lot is also a street line and the rear lot line of such lot is the side lot line of a lot fronting on such street, the front yard requirements of this code applicable to such adjoining lot shall apply along so much of the side lot line of the lot as lies within thirty feet of the side lot line of the adjoining lot.

Section 19–7. *Side Wall of Building Not Parallel to Side Lot Line.* If the side wall of a building is not parallel to the side lot line nearest to it, but the average distance between such wall and such lot line is no less than the minimum side yard width otherwise required by this Article, and the distance between such wall and such lot line is at no point less, in the case of a side lot line which is not also a street line, than three fourths of the minimum side yard width so otherwise required, and, in the case of a side lot line which is also a street line, than one half of the minimum side yard width so otherwise required, the requirements of this Article shall be deemed to be met.

Section 19–8. *Side Yards of Certain Narrow Lots.* For each full foot by which a lot existing at the time this code takes effect is narrower than the minimum lot width

specified for such lot in Table B of Section 13–1 or, if no minimum lot width is so specified, than fifty feet, one and one half inches shall be deducted from the width otherwise required by this Article for each side yard thereof; provided that in no event shall either side yard of any such lot in a S, R or H district be less than eight feet wide, or in any other district less than six feet wide.

ARTICLE 20.

REAR YARDS

SECTION 20–1. *Rear Yard Requirements.* Except as otherwise provided in this Article, where a minimum depth of rear yard is specified in Table B of Section 13–1, so much of every lot within the district, and devoted to the use, specified as lies between the rear lot line and a line inside the lot parallel to, and such minimum depth from, the rear lot line is hereby required as a rear yard within which no structure shall be erected.

SECTION 20–2. *Accessory Buildings.* Accessory buildings may be erected in a rear yard; provided that no such building is more than fifteen feet in height or nearer than four feet to any side lot line; and provided further, that in a S, R or H district the accessory buildings in any one rear yard shall not occupy in the aggregate a greater percentage of such rear yard than that specified in Table B of Section 13–1.

SECTION 20–3. *Projections into Rear Yards.* Projections allowed by Section 19–1 into side yards may project the same distance into rear yards but in no case within ten feet of a rear lot line or within eight feet of an accessory building.

SECTION 20–4. *Rear Yards in H Districts.* In an H district, a lot with no side yard shall have a rear yard at least thirty feet deep; and a lot with side yards conforming to Section 19–4 need not have a rear yard deeper than twenty feet.

SECTION 20–5. *Rear Yards in L, B, M, I and W Districts.* If a rear lot line of a lot in a L, B, M, I or W district abuts a S, R or H district, such lot shall have a rear yard ten feet deeper than the minimum depth of rear yard specified in Table B of Section 13–1; provided that such lot need not have a rear yard deeper than twenty feet.

SECTION 20–6. *Rear Wall of Building Not Parallel to Rear Lot Line.* If the rear wall of a building is not parallel

to the rear lot line and the rear lot line is not also a street line, but the average distance between such wall and such lot line is no less than the minimum rear yard depth otherwise required by this Article, and the distance between such wall and such lot line is at no point less than three fourths of the minimum rear yard depth so otherwise required, the requirements of this Article shall be deemed to be met.

Section 20–7. *Rear Yards of Through Lots.* No rear yard is required along any street line.

Section 20–8. *Rear Yards of Certain Shallow Lots.* For each full foot by which a lot existing at the time this code takes effect is less than one hundred feet deep, six inches shall be deducted from the depth otherwise required by this Article for the rear yard thereof; provided that in no event shall the rear yard of any such lot be less than ten feet deep.

ARTICLE 21.

SETBACKS

Section 21–1. *Setback Requirements.* Except as otherwise provided in this Article, where a minimum setback of parapet from lot line is specified in Table B of Section 13–1, neither the top line of the face of any wall of a structure within the district, and devoted to the use, specified, nor any cornice, eaves, parapet or other feature topping or overhanging such wall shall be closer to any lot line to which it is parallel or most nearly parallel than the distance specified in said Table B or, if such lot line abuts on a public open space or on one of two or more contiguous public open spaces, such distance minus whichever of the following is the lesser: (1) one half of the width of such open space or spaces, or (2) fifty feet.

Section 21–2. *Exceptions.* (*a*) No setback is required in any event below whichever of the following is the lower: (1) the combined height of the first and any second story above the mean grade from which the height of the building is measured, or (2) twenty-five feet.

(*b*) Subject to the provisions of Section 19–6, no setback from side lot lines or from side street lines of corner lots is required:

Below a Height of	Where Maximum Floor Area Ratio Specified in Table B is:
40 ft.	1.0
60 ft.	2.0
70 ft.	3.0
80 ft.	4.0
90 ft.	5.0
110 ft.	8.0
120 ft.	10 0

(*c*) In the case of a lot in a district where no side yard is required by this code, if there is on either or both sides of such lot a lot with a building not conforming to the setback from side lot lines required by this code, no setback from side lot lines is required below a height midway between the height specified in paragraph (*b*) of this section and the height of the nonconforming building or, if there is a nonconforming building on each side, the average height of the nonconforming buildings.

Section 21–3. *Setback Where Parapet Not Parallel to Lot Line.* (*a*) If the lot line to which a parapet is most nearly parallel is a front lot line, and if the average distance between such parapet and such lot line is no less than the setback otherwise required by this Article, and if the distance between such parapet and such lot line is at no point less than three fourths of the setback so otherwise required, the requirements of this Article shall be deemed to be met.

(*b*) If the lot line to which a parapet is most nearly parallel is a side lot line, and if the average distance between such parapet and such lot line is no less than the setback otherwise required by this Article, and if the distance between such parapet and such lot line is at no point less, in the case of a side lot line which is not also a street line, than three fourths of the setback otherwise required by this Article and, in the case of a side lot line which is also a street line, than one half of the setback so required, the requirements of this Article shall be deemed to be met.

(*c*) If the lot line to which a parapet is most nearly parallel is a rear lot line, and if the average distance between such parapet and such lot line is no less than the setback otherwise required by this Article, and if the distance be-

tween such parapet and such lot line is at no point less, in the case of a rear lot line which is not also a street line, than three fourths of the setback otherwise required by this Article and, in the case of a rear lot line which is also a street line, than one half of the setback so required, the requirements of this Article shall be deemed to be met.

(*d*) The word "parapet", as used in this section, shall be construed as though followed by the words "cornice, eaves or other feature topping or overhanging a wall or the face of a wall without such a feature".

Section 21–4. *Two or More Main Buildings on One Lot.* In the case of a lot with two or more main buildings, every lot line which is also a street line shall be deemed a front lot line for the purposes of this Article.

Section 21–5. *Special Setback Provisions for Regulated Projects.* The provisions of this Article shall not apply to so much of a project under Chapter 121, or Chapter 121A, of the General Laws for the development or redevelopment of five or more acres of land as lies within a B–8 district or a B–10 district.

ARTICLE 22.

YARD REGULATIONS

Section 22–1. *Residential Districts.* In S and R districts every yard required by this code, and in H districts every yard so required except rear yards and except also side yards not abutting a street line shall, along every lot line on which such yards abuts, be at a level no higher than grade level or, if the grade level of the abutting lot is higher, be at a level no higher than such higher level. Rear yards in H districts and also side yards in such districts not abutting a street line shall, along every lot line on which they abut, be at a level no higher than five feet above grade level.

Section 22–2. *Other Districts.* In L, B, M, I and W districts, every front yard required by this code shall, along every lot line on which such yard abuts, be at grade level; and every rear yard so required and every side yard so required which does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

SECTION 22–3. *Underground Encroachments.* In any district other than a S or R district, any garage or other accessory structure erected underground within any rear yard or side yard required by this code, including the piers, railings and parapets thereof, shall not extend more than five feet above grade level.

SECTION 22–4. *Two or More Dwellings on Same Lot.* If on one lot there are two or more dwellings (other than temporary dwellings) designed for occupancy, or occupied, by one or more families, or if on one lot there are one or more such dwellings and one or more other main buildings, such dwellings shall be separated from each other and from such other buildings by yards of the same minimum depths, and the provisions of Article 21 shall apply, as if each dwelling were on a separate lot; and if such dwelling is to the rear of another dwelling or other main building, the provisions of paragraph (*c*) of Section 14–5 shall also apply. After public notice and hearing and subject to the provisions of Section 6–2, the Board of Appeal may grant permission for a variation from the requirements of this section if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this section were met.

SECTION 22–5. *Two or More Other Main Buildings on One Lot.* If on one lot there are two or more main buildings other than dwellings (which phrase, as here used, shall not be construed as excluding temporary dwellings from the words "main buildings"), the yard and setback requirements of this code shall apply at each actual lot line and not as if each building were on a separate lot.

ARTICLE 23.

OFF-STREET PARKING

SECTION 23–1. *Residential Uses.* No structure or land shall be used for any use listed in Table A of Section 8–7 under Use Item Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, or 15, unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ratio Specified in Table B of Section 13–1 for the Lot is:	For Each Dwelling Unit* There Shall be Provided at Least:
0.3 or 0.5	1.0 space
0.8 or 1.0	0.9 space
2.0	0.7 space
3.0	0.6 space
4.0	0.5 space
5.0	0.4 space

* Where use is not divided into dwelling units:

(*a*) If sleeping rooms have accommodations for not more than two persons, each two sleeping rooms shall constitute one dwelling unit; and

(*b*) If sleeping rooms have accommodations for more than two persons, each four beds shall constitute one dwelling unit.

SECTION 23–2. *Public Assembly Uses.* No structure or land shall be used for any use listed in Table A of Section 8–7 under Use Item Nos. 21, 27, 28, 29, 30, 38, 52, 62, 63, or 66, unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ratio Specified in Table B of Section 13–1 for the Lot is:	One Space Shall be Provided, If There Are Seats*, For each—	If There Are No Seats, For each—	
0.3 or 0.5	5 seats	100	square feet of public floor area in structures
0.8 or 1.0	6 seats	120	
2.0	8 seats	160	
3.0	15 seats	300	
4.0	20 seats	400	
5.0	20 seats	400	

* Where benches are used for seating purposes, each two lineal feet of bench shall constitute one seat.

Except that places of worship need provide no more than one half of such number of spaces.

SECTION 23–3. *Institutional Uses.* No structure or land shall be used for any use listed in Table A of Section 8–7 under Use Item Nos. 16, 17, 18, 19, 20, 22, 23, 24, 25 or 79, unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ratio Specified in Table B of Section 13–1 for the Lot is:	One Space Shall be Provided for Each —	
0.3 or 0.5	600	square feet of gross floor area
0.8 or 1.0	700	
2.0	1,000	
3.0	1,800	
4.0	2,400	
5.0	2,400	

Provided that any use under Use Item Nos. 16, 17, 18 or 19 primarily for children under sixteen need provide no more than one half of such number of spaces; and
Provided further that where an institution maintains one or more dormitories, the number of parking spaces accessory to such dormitories shall be deducted from the number of parking spaces otherwise required by this section for a lot with classrooms, libraries, lecture halls, laboratories and similar educational areas normally used by persons resident in such dormitories unless such lot is regularly used by persons not resident in such dormitories or the parking spaces accessory to such dormitories are more than twelve hundred feet from such lot.

SECTION 23–4. *Retail and Office Uses.* No structure or land shall be used for any use listed in Table A of Section 8–7 under Use Item Nos. 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49, 50, 51, 61, 73, 74 or 78, unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ratio Specified in Table B of Section 13–1 for the Lot is:	One Space Shall be Provided For Each —		And Also For Each —	
0.3 or 0.5	300	square	600	square
0.8 or 1.0	350	feet of	700	feet of
2.0	500	gross floor	1,000	other
3.0	900	area on	1,800	gross
4.0	1,200	ground	2,400	floor
5.0	1,200	floor	2,400	area*

* Where main use on a lot is an open-air use not enclosed in a structure, the area of the part of the lot actually devoted to such use shall constitute floor area.

SECTION 23–5. *Factory and Warehouse Uses.* No structure or land shall be used for any use listed in Table A of Section 8–7 under Use Item Nos. 31, 45, 54, 55, 56, 57, 60, 64, 65, 67, 68, 69 or 70, unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ratio Specified in Table B of Section 13–1 for the Lot is:	One Space Shall be Provided for Each —	
0.3 or 0.5	1,000	square
0.8 or 1.0	1,200	feet
2.0	1,600	of
3.0	2,000	gross
4.0	3,000	floor
5.0	3,000	area*

* Where main use on a lot is an open-air use not enclosed in a structure, the area of the part of the lot actually devoted to such use shall constitute floor area.

Section 23–6. *Off-Street Parking Not Required in Certain Cases.* (*a*) When the maximum floor area ratio specified in Table B of Section 13-1 for a lot is 8.0 or 10.0, off-street parking facilities are not required for such lot.

(*b*) When the maximum floor area ratio specified in Table B of Section 13–1 for a lot is 0.8, 1.0, 2.0, 3.0, 4.0, or 5.0, off-street parking facilities are not required for such lot if the lot is devoted to residential uses and no more than two car spaces are required by Section 23–1 or if the lot is devoted to non-residential uses and no more than four car spaces are required by other provisions of this Article.

(*c*) When the maximum floor area ratio specified in Table B of Section 13–1 for a lot is 0.3 or 0.5, off-street parking facilities are not required for such lot if the lot is devoted to non-residential uses and no more than two car spaces are required by other provisions of this Article.

Section 23–7. *Mixed Uses.* (*a*) If a lot by reason of a diversity of occupancies is subject to more than one of the first five sections of this Article, the number of car spaces required by each section for the occupancies subject to it shall be determined, and then such numbers totalled; and off-street parking facilities with such total number of car spaces shall be provided.

(*b*) If a single occupancy involves uses subject to more than one of the first five sections of this Article, off-street parking facilities shall be provided for such occupancy in accordance with the section to which the dominant use is subject, except that if a minor use subject to another of said sections occupies more than ten thousand square feet or more than twenty-five per cent of the gross floor area of the structure, off-street parking facilities shall be provided as if the lot were by reason of a diversity of occupancies subject to more than one of said sections.

Section 23–8. *Location.* (*a*) Except in the case of a lot serviced by a common parking facility, the off-street parking facilities required by this Article shall be provided on the same lot as the main use to which they are accessory; provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular lot, said Board, after public notice and hearing and subject to the provisions of Sections 6–2, 6–3 and 6–4, may grant

permission for such facilities to be on another lot in the same ownership in either of the following cases:—(1) where the main use on the particular lot is for residential purposes and the other lot is within four hundred feet of the particular lot; and (2) where the main use on the particular lot is for non-residential purposes and the other lot is within twelve hundred feet of the particular lot.

(*b*) After public notice and hearing and subject to the provisions of Sections 6–2, 6–3 and 6–4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided that there is a permanent allocation of the requisite number of spaces for each use and that the total number of spaces is not less than the aggregate of the numbers required for each use.

Section 23–9. *Design.* All off-street parking facilities provided to comply with this Article shall meet the following specifications:

(*a*) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic; and all lighting shall be so arranged as to shine downward and away from streets and residences.

(*b*) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained and maintained as to prevent water and dust therefrom going upon any street or another lot.

(*c*) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling or servicing of any kind.

(*d*) Each car space shall be located entirely on the lot and shall be no less than eight and one half feet in width and twenty feet in length, exclusive of maneuvering areas and access drives.

Section 23–10. *Maintenance.* All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles

so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

ARTICLE 24.

OFF-STREET LOADING

SECTION 24–1. *Off-Street Loading Bay Requirements.* No structure or land shall be used for any use unless off-street loading facilities are provided on the lot as follows:

Gross Floor Area (in square feet)	NUMBER OF LOADING BAYS REQUIRED		
	Group I Uses*	Group II Uses**	Group III Uses***
Under 15,000	0	0	0
15,000 to 50,000	0	1	1
50,000 to 100,000	0	1	2
100,000 to 150,000	0	2	3
150,000 to 300,000	0	3	4
300,000 and over	0	†	‡

† 4 plus 1 for each additional 150,000 square feet
‡ 5 plus 1 for each additional 150,000 square feet

* Uses listed in Table A of Section 8–7 under Use Item Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 26, 27, 28, 31, 32, 33, 39, 40, 50, 52, 53, 58 and 59.

** Uses listed in Table A of Section 8–7 under Use Item Nos. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 29, 30, 37, 38, 41, 42, 43, 44, 46, 47, 48, 49 and 51.

*** Uses listed in Table A of Section 8–7 under Use Item Nos. 34, 35, 36, 45, 54, 55, 56, 57, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69 and 70.

Mixed Uses. If a lot by reason of a diversity of occupancies falls within more than one use group, the number of loading bays required by the occupancies within each use group shall be determined, and then such numbers totalled; and off-street loading facilities with such total number of bays shall be provided.

Pre-Code Structures. If a structure existing when this code takes effect is altered or extended so as to increase its gross floor area, only the additional gross floor area shall be counted in computing the off-street loading bays required.

SECTION 24–2. *Design.* All off-street loading facilities provided to comply with Section 24–1 shall meet the following specifications:

(*a*) Such facilities shall have bays, maneuvering areas, and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a

hazard or unreasonable impediment to traffic; and all lighting shall be so arranged as to shine away from streets and residences.

(*b*) Such facilities, including all bays, maneuvering areas and access drives, shall be so graded, surfaced, drained and maintained as to prevent water and dust therefrom going upon any street or another lot.

(*c*) Each loading bay shall be located entirely on the lot and shall be no less than ten feet in width, twenty-five feet in length, and fourteen feet in height, exclusive of maneuvering areas and access drives. Each loading bay within fifty feet of a residential district shall be enclosed in a structure if the use regularly involves night operations.

Section 24–3. *Maintenance.* All off-street loading facilities provided to comply with Section 24–1 shall be maintained exclusively for loading and unloading purposes so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

ZONING COMMISSION

Albert V. Colman, *Chairman,*
Stanley Underhill
Alfred Gross
Nathaniel J. Young, Jr.
R. T. Fowler, Jr.
Charles F. Spillane
David F. Supple
T. W. Paul
Antonio F. Iovino
Timothy J. Regan, Jr.

In meeting of Zoning Commission August 15, 1962 — Adopted.

Presented to Mayor on October 29, 1962 — Returned disapproved by Mayor on November 13, 1962.

In Zoning Commission March 29, 1963 — Again adopted notwithstanding disapproval of Mayor. Yeas: nine; nays, none.

Attest:

Mary T. Downey,
Secretary.

City of Boston
Administrative Services Department
Printing Section